



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ESCALANTE RESOURCE AREA
P. O. Box 225
Escalante, Utah 84726
(801) 826-4291



2800.0
UT-048

DEC 15 1992

Sterling C. Davis
State of Utah
Department of Transportation
708 South 100 West
Richfield, Utah 84701

Dear Mr. Davis:

We have completed the review of your assertion that the Utah Department of Transportation has a RS-2477 right-of-way for Highway 12 on public lands between Escalante and Boulder not covered by existing rights-of-ways.

The evidence provided to us was sufficient to determine that highway 12 was constructed and maintained prior to October 21, 1976 and is a Public highway. A review of the historical index also indicates that the public lands which highway 12 crosses over were unreserved at the time of construction.

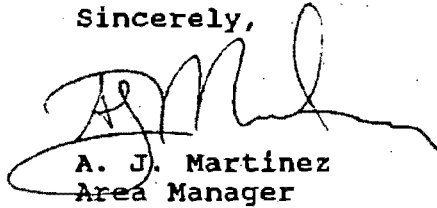
Based upon this review it is my determination that a RS-2477 right-of-way does attach to Highway 12 beginning in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 35 South, Range 4 East; thence easterly and northerly to the U. S. Forest Service boundary in the NW $\frac{1}{4}$ of Section 3, Township 34 South, Range 4 East, except for that portion of newly realigned section in Township 35 South, Range 4 East, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, where you currently have a FLMPA Title V right-of-way.

This RS-2477 right-of-way will be from edge of disturbance to edge of disturbance. The width of the right-of-way will vary based upon the width of the presently disturbed area needed for maintenance and use of the highway and for due and necessary improvements to the highway using the most current design and construction techniques available. In Township 34 South, Range 4 East, SW $\frac{1}{4}$ of Section 14, the RS-2477 right-of-way will include the old section of Highway 12 that is being used for a mixing site and for secondary access.

This RS-2477 determination does not apply to the private and state lands crossed by Highway 12.

If you have any questions regarding this matter please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to be 'A. J. Martinez', written over a horizontal line.

A. J. Martinez
Area Manager

MEMORANDUM

UTAH DEPARTMENT OF TRANSPORTATION

Date: September 17, 2002

TO: Thomas Christensen, P.E.
R-4 Project Manager

FROM: John Leonard, P.E.
Operations Engineer

SUBJECT: Draft Operational Safety Report
Project No. STP-00120 70, SR-12 RP 69.9 to RP 77.0
Head of the Rock View Area to New Home Bench; PIN # 3414

We have evaluated the accident history for the subject section of SR-12 for the three-year period of 1999 through 2001, with the following results:

RURAL MINOR ARTERIAL	ACTUAL			TOTAL/	AVG	EXPECTED
	1999	2000	2001			
NO. of ACCIDENTS	1	2	2	5	1.67	
ACCIDENT RATE	0.39	0.77	0.77		0.64	2.30
SEVERITY	1.00	2.00	3.50		2.17	1.70
Single Vehicle Accidents (100%)				5		

Accident data indicates that the accident rate of this section is lower than the expected and the severity is higher than the expected. As indicated above, the predominant accident type was the single vehicle accidents. The breakdown of these accidents is as follows:

ACCIDENT TYPE	NUMBER	%
1. Deer Related	2	40
2. Ran Off Road Left	1	20
3. Ran Off Road Right	2	40

None of these accidents were concentrated at any particular location.

Source documents are available at the Division of Traffic and Safety for additional analysis. If questions arise, please call me at 965-4045.

JLL/EG/aw

cc: Robert Hull
John Leonard

Eric Cheng
Roland Stanger, FHWA

Zeke Gonzalez

Project Traffic Report

PROJECT DESCRIPTION: SR 12 @ Hole in the Rock

STATE ROUTE: SR 12

BEG. M.P.: 67.90

END M.P.: 77.00

LENGTH:

PROJECT SCOPE:

REGION: Richfield

Rigid or Flexible: Flexible

DIRECTIONAL FACTOR: 0.50

CONSTRUCTION YEAR: 2002

FUNCTIONAL CLASS: 6

DESIGN PERIOD: 10 yrs

SN = 5.00

DESIGN HOUR VOLUME %: 15

NUMBER OF LANES: 2

BASE YEAR AADT = 1,240

FINAL YEAR AADT = 1,767

ESAL'S RATE CLASS 5-7 = 0.01

ESAL'S/VEH-YR

ESAL'S RATE CLASS 8-13 = 0.03

ESAL'S/VEH-YR

F = 1.00

VEHICLE CLASS	BASE YEAR AADT	FINAL YEAR AADT	ANNUAL GROWTH RATE %	TRUCK FACTOR ESALS/VEH	% OF LOAD	DESIGN ESAL'S X 1,000
1&2 MT. CYC. & CARS	612	872	3.6	0.0002	0.1	0.3
3 2 AXLE/4 TIRE VEH.	371	528	3.6	0.0300	5.5	23.9
4 BUSES	16	23	3.6	0.8800	7.1	31.0
<u>SINGLE UNIT TRUCKS</u>						
5 2 AXLE/6 TIRES	95	136	3.6	0.2896	15.9	69.6
6 3 AXLES	42	59	3.6	0.3172	7.5	32.9
7 4 AXLES (OR MORE)	0	0	0.0	0.0000	0.0	0.0
<u>SINGLE TRAILER TRUCKS</u>						
8 4 AXLE (OR LESS)	46	66	3.6	0.5016	14.8	64.7
9 5 AXLE (3S2)	49	70	3.6	1.6410	43.3	189.2
10 6 AXLE (OR MORE)	3	4	3.6	0.0350	0.3	1.2
<u>MULTI-TRAILER TRUCKS</u>						
11 5 AXLE (OR LESS)	0	0	0.0	1.2700	0.0	0.0
12 6 AXLE	0	0	0.0	0.1813	0.0	0.0
13 7 AXLE (OR MORE)	6	8	3.6	1.7199	5.5	23.9
TOTAL (TRUCKS):	258	367			100.0	437
PERCENT TRUCKS:	20.79%	20.79%				
WEIGHTED TRUCK FACTOR:	0.6567	0.6567				
TOTAL (CARS/PICKUPS):	982	1,400				
PERCENT CARS/PICKUPS:	79.21%	79.21%				
WEIGHTED CAR/PICKUP FACTOR:	0.0114	0.0114				

DESIGN LANE ESAL'S = 436,757

DESIGN LANE ESAL'S/DAY = 120

VEHICLE DATA SOURCES: Moble Count MP 60.49

DATA COLLECTION DATES: Feb 2001

ESAL FUNCTIONAL CLASS: 6

ESAL COLLECTION DATES:

Project Traffic Report

PROJECT DESCRIPTION: SR 12 @ Hole in the Rock

STATE ROUTE: SR 12

BEG. M.P.: 67.90

END M.P.: 77.00

LENGTH:

PROJECT SCOPE:

REGION: Richfield

Rigid or Flexible: Flexible

DIRECTIONAL FACTOR: 0.50

CONSTRUCTION YEAR: 2002

FUNCTIONAL CLASS: 6

DESIGN PERIOD: 20 yrs

SN = 5.00

DESIGN HOUR VOLUME %: 15

NUMBER OF LANES: 2

BASE YEAR AADT = 1,240

FINAL YEAR AADT = 2,477

ESAL'S RATE CLASS 5-7 = 0.01

ESAL'S RATE CLASS 8-13 = 0.03

ESAL'S/VEH-YR

ESAL'S/VEH-YR

F = 1.00

VEHICLE CLASS	BASE YEAR AADT	FINAL YEAR AADT	ANNUAL GROWTH RATE %	TRUCK FACTOR ESALS/VEH	% OF LOAD	DESIGN ESAL'S X1,000
1&2 MT. CYC. & CARS	612	1,222	3.5	0.0002	0.1	0.6
3 2 AXLE/4 TIRE VEH.	371	740	3.5	0.0300	4.9	57.5
4 BUSES	16	33	3.5	0.8800	6.4	74.5
SINGLE UNIT TRUCKS						
5 2 AXLE/6 TIRES	95	190	3.5	0.2896	16.5	191.9
6 3 AXLES	42	83	3.5	0.3172	7.7	89.9
7 4 AXLES (OR MORE)	0	1	0.0	0.0000	0.0	0.1
SINGLE TRAILER TRUCKS						
8 4 AXLE (OR LESS)	46	92	3.5	0.5016	16.4	191.3
9 5 AXLE (3S2)	49	98	3.5	1.6410	42.3	493.0
10 6 AXLE (OR MORE)	3	6	3.5	0.0350	0.4	5.2
MULTI-TRAILER TRUCKS						
11 5 AXLE (OR LESS)	0	0	0.0	1.2700	0.0	0.0
12 6 AXLE	0	0	0.0	0.1813	0.0	0.0
13 7 AXLE (OR MORE)	6	12	3.5	1.7199	5.3	62.2
TOTAL (TRUCKS):	258	515			100.0	1,166
PERCENT TRUCKS:	20.79%	20.79%				
WEIGHTED TRUCK FACTOR:	0.6567	0.6567				
TOTAL (CARS/PICKUPS):	982	1,962				
PERCENT CARS/PICKUPS:	79.21%	79.21%				
WEIGHTED CAR/PICKUP FACTOR:	0.0114	0.0114				

DESIGN LANE ESAL'S = 1,166,183

DESIGN LANE ESAL'S/DAY = 160

VEHICLE DATA SOURCES: Mobile Count MP 60.49

DATA COLLECTION DATES: Feb 2001

ESAL FUNCTIONAL CLASS: 6

ESAL COLLECTION DATES:



State of Utah

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

OLENE S. WALKER
Governor

GAYLE McKEACHNIE
Lieutenant Governor

September 14, 2004

Mr. Tyler Robirds, P.E.
H. W. Lochner, Inc.
310 East 4500 South, Suite 600
Murray, UT 84107

RECEIVED SEP 16 2004

Reference: Project No. STP-0012(8)60E
Pin No. 4371
SR-12 Escalante to Boulder

Dear Mr. Robirds:

Mike Brehm called me today and asked me to send you a copy of information we have prepared concerning the SR-12 Corridor. The enclosed information gives you the r/w widths and appropriate BLM Authorization Numbers for the area from Henrieville to Boulder. The maps are color coded to distinguish between BLM and Private Property.

Please give me a call if you have any questions concerning this matter at 435-893-4708, or call our land surveyor, Ted Madden, at 435-893-4713.

Sincerely,

Nancy A. Jerome, P.E.
Region Four R/W Engineer

njerome@utah.gov

cc: Clark Mackay, Region Preconstruction Engineer
Rick Torgersen, Project Manager

Mr. Tyler Robirds, P.E.
H. W. Lochner, Inc.
310 East 4500 South, Suite 600
Murray, UT 84107

RECEIVED SEP 16 2004

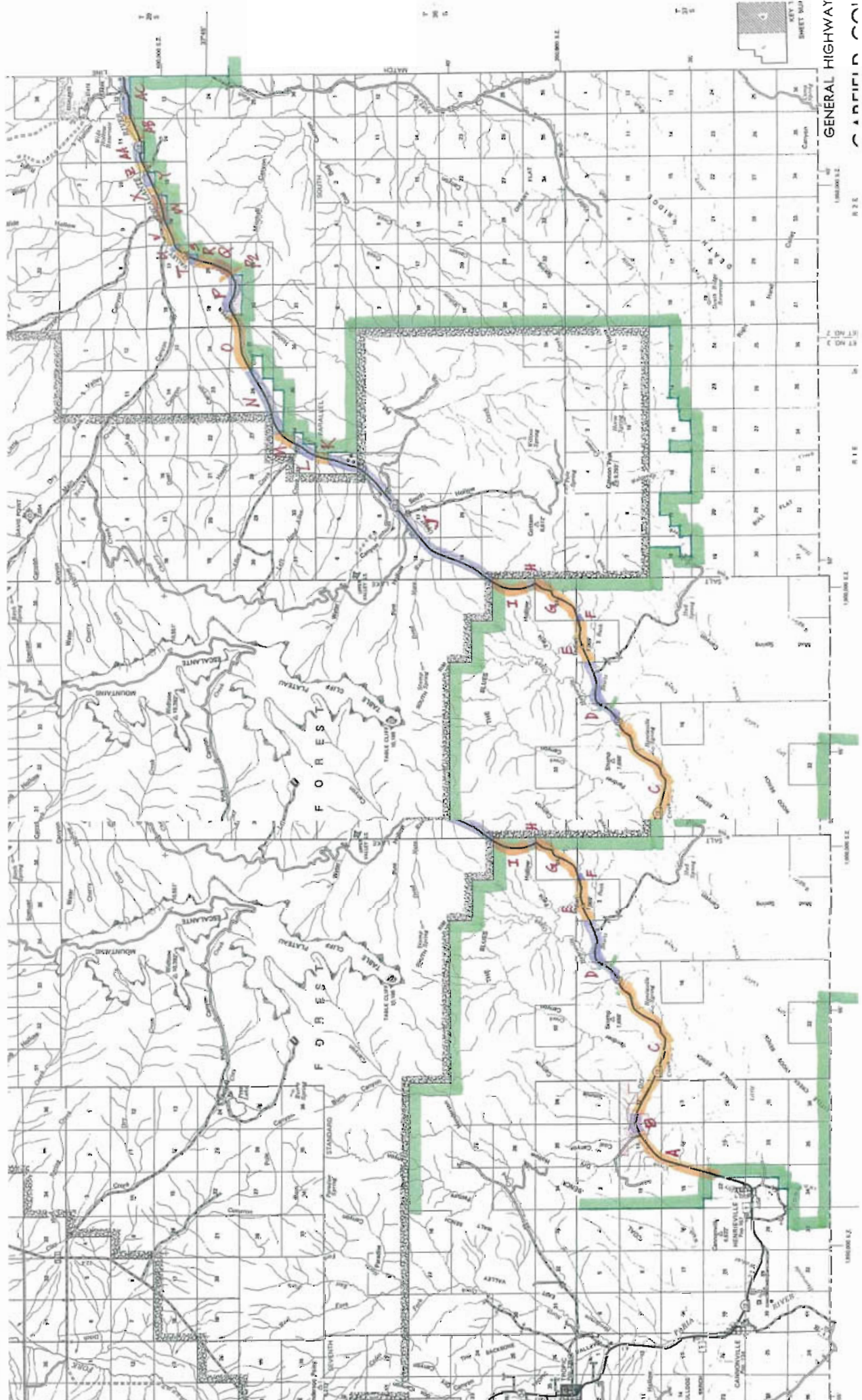
Reference: Project No. STP-0012(8)60E
Pin No. 4371
SR-12 Escalante to Boulder

Dear Mr. Robirds:

SR-12 BLM easements through Grand Staircase Escalante Natl. Mon.						
MAP SEGMENT	SEGMENT LENGTH(K)	WIDTH LEFT (FT)	WIDTH RIGHT(FT)	EASEMENT NUMBER	COMMENTS	
A	3.8	100	100	U034584	Sec 11,14,15,22, T37S, R2W	
B	1.1	50	50		Private Sec 11,12, T37S, R2W	
C	5.2	100	100	U034584	Sec 12, T37S, R2W; Sec 7,8,9,17,18, T37S, R1W	
D	2.9	100	100	U011171	NO DOCUMENTS @ UDOT Sec 3,4, T37S, R1W	
E	1.8	200	200	U04245	Sec 2, T37S, R1W (BLM easement, not recognized as State Trust Lands)	
F	0.1	200	200	U04245	Sec 1, T37S, R1W	
G	2.7	200	200	U04245	Sec 36, T36S, R1W (BLM easement, not recognized as State Trust Lands)	
H	0.5	200	200	U04245	Sec 25, T36S, R1W	
I	1.1	200	200	SL068978	Sec 25, T36S, R1W	
J	8.3	50-60	50-60		Outside of GSENM, National Forest, BLM, and Private	
K	0.4	200	200	SL068978	Right side only Sec 4, T36S, R1E	
L	1.2	50-60	50-60		Outside of GSENM, Private Sec 33,34, T35S, R1E	
M	0.9	100	100	U019673	Right side only Sec 34, T35S, R1E	
N	2.7	75-100	75-100		Outside of GSENM, Natl. Forest & Private, Sec 26,27,34, T35S, R1E	
O	2.3	100	100	U019673	Right side only Sec 25,26, T35S, R1E; Sec 30, T35S, R2E	
P	2.0	75	75		Outside of GSENM, BLM & Private, Sec 19,29,30, T35S, R2E	
P2	0.1				Missing easement, NE1/4,NW1/4, Sec 29, T35S, R2E	
Q	0.7	100	100	U019673	Right side only Sec 20, T35S, R2E	
R	0.8	100	100	U011171	NO DOCUMENTS @ UDOT Sec 20, T35S, R2E	
S	0.4	75	75		Private NW1/4,NE1/4,Sec 20, T35S, R2E	
T	0.4		100	U011171	NO DOCUMENTS @ UDOT, NE1/4,NE1/4,Sec 20, SE1/4,SE1/4,Sec 17,T35S, R2E	
U	0.2	100	100		Private NE1/4,SE1/4,Sec 17, T35S, R2E	
V	0.9			parcel 254:13	Right side only, UDOT fee title, Sec 16, T35S, R2E	
W	1.2	100	100		Private Sec 15,16, T35S, R2E	
X	0.2	100	100	U012626	Right side only, SE1/4,NW1/4,Sec 15,T35S,R2E	
Y	0.7	75	75		Private, Sec 15,T35S,R2E	
Z	0.3	100	100	U012626	Right side only, NE1/4,NE1/4,Sec 15,T35S,R2E	
AA	1.0	75	75		Private, Sec 10,11,T35S,R2E	
AB	0.8	100	100	U012626	Right side only, S1/2,SE1/4,Sec 11,T35S,R2E	
AC	8.1	*	*		Outside of GSENM, BLM, Private, & Town of Escalante	
AD	0.5	100	100	U096468	NW1/4, Sec 22, T35S,R3E	
AE	0.2	50	50		Outside of GSENM, Private, NW1/4,SW1/4, Sec 22, T35S,R3E	
AF	0.3	100	100	U096468	NE1/4,SW1/4, Sec 22, T35S, R3E	
AG	0.4	50	50		Outside of GSENM, Private, SE1/4,SE1/4, Sec 22,T35S,R3E	
AH	0.1	100	100	U096468	SE1/4, Sec 22,T35S,R3E	
AI	1.7	100	100	U0110884	Outside of GSENM, SE1/4,SE1/4, Sec 26,27,T35S,R3E	
AJ	1.1	100	100	parcel 0392:4	UDOT fee simple ownership, Former State Trust Lands	
AK	6.1	100	100	U0110884	NO DOCUMENTS @ UDOT, Sec 25,T35S,R3E; Sec 19,20,21,30,T35S,R4E	
AL	6.1	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT	
AM	0.5	33-100	33-100		Private, Sec 12,T35S,R4E	

* 75' LTR NW1/4 of Escalante 50' LTR East of Escalante

AN	3.3	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT
	(0.2)	?	?	U51381	NO DOCUMENTS @ UDOT, Sec 1,T35S,R4E
AO	0.4	?	?	project 0392(4)	Across former State Trust Lands, no record of purchase @ UDOT
AP	1.2	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT
AQ	0.5	?	?	project 0392(4)	Across former State Trust Lands, no record of purchase @ UDOT
AR	9.6	100	100	project 0392(4)	Easement mapped and applied for, but no record of acceptance @ UDOT



GENERAL HIGHWAY
CARPINS

1:25,000 S.E.

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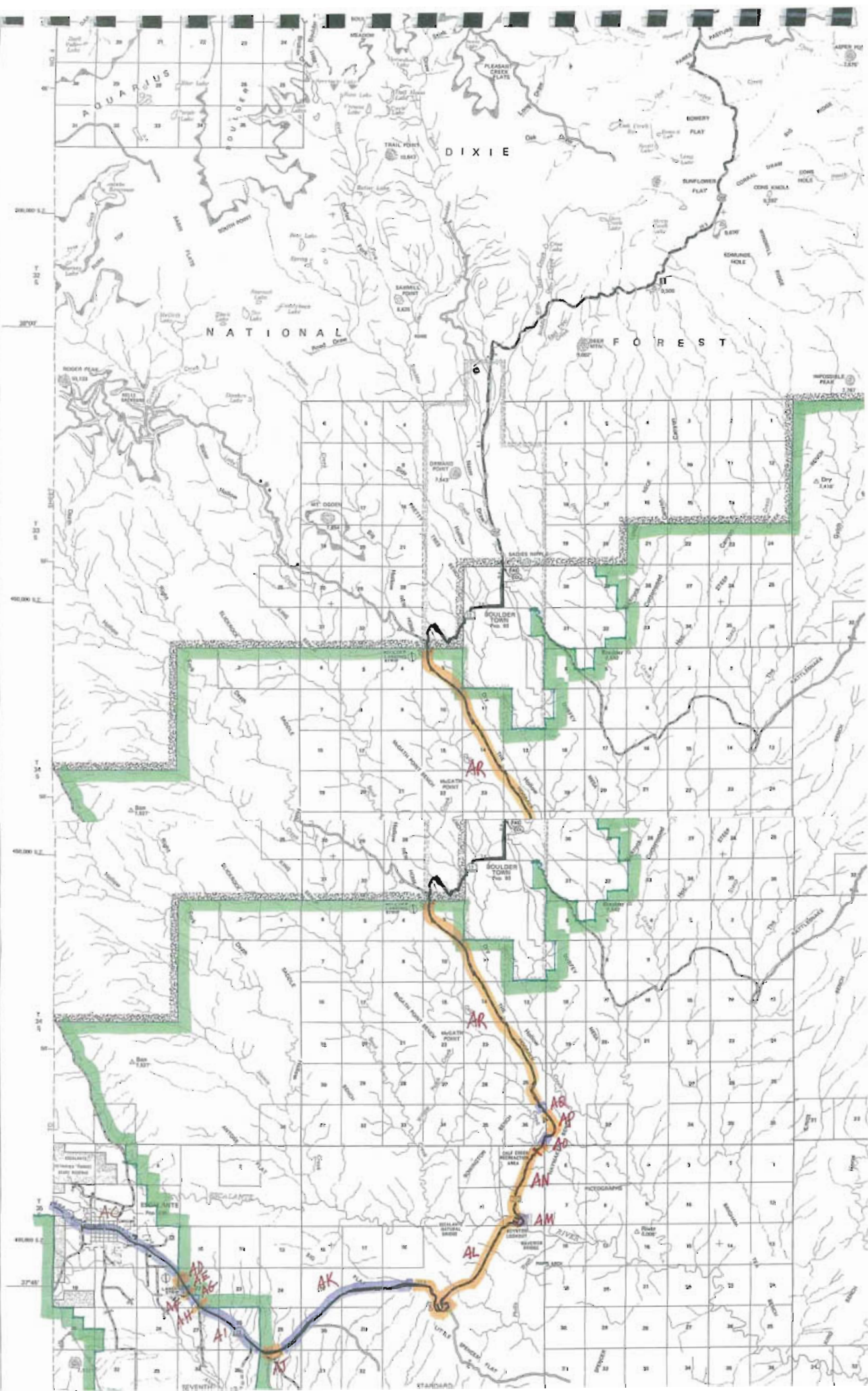
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October 1, 2004

Mike Nielson
Director
Anasazi State Park
PO BOX 1453
Boulder, UT
84716

RE: Preparation of Environmental Assessment
Safety Improvement Project
State Route 12 - Escalante to Boulder, Utah
Request for Information
Project No. STP – 0012 (8) 60E

Dear Mr. Nielson,

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration (FHWA), is proposing to prepare an environmental assessment to study safety and operational improvements on SR-12, from Escalante to Boulder, in Garfield County, Utah. We are formally requesting your involvement with the scoping process, comments, and attendance at the first formal agency scoping meeting for this environmental assessment.

This project, consisting of safety and operational improvements, results from previous planning studies, including the *Scenic Byway 12 Management Plan* and the *SR-12 & SR-63 Corridor Transportation Plan*. These documents note deficiencies in the current roadway, such as conflicts with bicycle traffic and pedestrians stopping, narrow or lack of shoulders, and the need for passing areas/pull outs.

The environmental assessment will augment these planning studies with project specific evaluations of the project need, project area context, potential improvements, and assessment of the potential impacts to the human and natural environment. In order to identify and evaluate solutions that are consistent and sensitive with the unique character and environment of the project area, a comprehensive approach to coordinate the proposed safety improvements with the project stakeholders is being initiated at the start of this environmental assessment.

Enclosed with this letter is a project information sheet and a map showing the project location with the study area resources noted. Additional information concerning the goals for this project study is located on the SR-12 Environmental Assessment web site at <http://www.udot.utah.gov/sr-12/>.

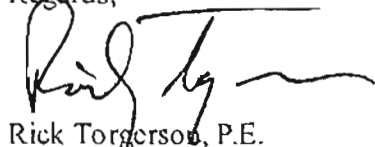
In pursuit of collaboration with federal, state, and local agencies, we are seeking your input on the project, including information on the specific regulatory requirements of your agency

regarding permits, licenses, or clearances, and information on necessary content to satisfy the requirements of the National Environmental Policy Act (NEPA). We appreciate and look forward to any comments, input, and/or concerns you have on the proposed project.

The first agency scoping meeting will be held in Boulder, Utah on October 18th from 12:00 p.m. to 4:00 p.m. Lunch will be provided from 12:00 p.m. to 12:30 p.m. at the Boulder Town Hall at 351 North 100 East in Boulder, Utah. Once lunch is adjourned, an on-site field review will commence and the group will ride the corridor in vans provided by UDOT. From 3:30 p.m. until 4:00 p.m., there will be a summarized discussion from the field review at the Boulder Town Hall. Due to the nature of an on-site field review, a conference call is not viable. If you are unable to attend, please send us your concerns and comments regarding this project in writing to Kim Clark, H.W. Lochner, Inc., 310 East 4500 South, Suite 600, Salt Lake City, Utah 84107.

In order to facilitate discussions at this meeting, please provide any comments or information about the proposed project to us prior to the meeting. **Please R.S.V.P.** your ability to attend to Kim Clark, H.W. Lochner, Inc. at (801) 262-8700 or kclark@hwlochner.com.

Regards,

A handwritten signature in black ink, appearing to read 'Rick Torgerson', with a long horizontal flourish extending to the right.

Rick Torgerson, P.E.
Project Manager

Identical copies of this letter were sent to the following:

Dave Hunsaker BLM/GSENM 190 E. Center Street Kanab, UT 84726	Mike Nelson Anasazi State Park P.O. Box 1453 Boulder, UT 84716
Paul Chapman BLM/GSENM 190 E. Center Street Kanab, UT 84726	Deborah Lebow EPA 999 18 th Street, Ste. 300 Denver, CO 80202-2466
Dave Wolf BLM/GSENM 190 E. Center Street Kanab, UT 84726	Kevin Schulkoski USDA/USFS P.O. Box 246 Escalante, UT 84726
Sylvia Gillen USDA/NRCS 125 S. State, Rm. 8301 Salt Lake, UT 84138	Grady McNure USACE—St. George Regulatory Office 321 N. Mall Dr., Ste. L101 St. George, UT 84790-7310
Betsy Herrmann USFWS 2369 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Rick Gold BOR 125 S. State Street, Rm. 6107 Salt Lake, UT 84138-1102
Patrick M. Lambert USGS 2329 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Bruce Bonebrake Utah DNR P.O. Box 606—1470 N. Airport Rd., Ste. 1 Cedar City, UT 84720-0606
Robert L. Morgan Utah DNR P.O. Box 145610 Salt Lake, UT 84114-5610	Dick Buehler Utah DNR P.O. Box 145703 Salt Lake, UT 84114-6480
Mary Tullius Utah DNR P.O. Box 146001 Salt Lake, UT 84114-6480	Lou Brown Utah SITLA 130 N. Main Richfield, UT 84701
Chuck Williamson Utah DNR P.O. Box 146300 Salt Lake, UT 84114-6300	Tom Rushing Utah Division of Water Quality P.O. Box 144870 Salt Lake, UT 84114-4870
Dianne Nielson Utah Dept. of Environmental Quality P.O. Box 144810 Salt Lake, UT 84114-4870	Dennis Downs Utah Division of S&HW P.O. Box 144880 Salt Lake, UT 84114-4880
Rick Sprott Utah Division of Air Quality 150 S. 1950 W. Salt Lake, UT 84116	State Historic Preservation Office 300 S. Rio Grande St. Salt Lake, UT 84101-1143

Tom Shakespeare Utah Division of Parks P.O. Box 180069 Cannonville, UT 84718	SR-12 Scenic Byway Committee Attn: Allysia Angus (BLM) 190 E. Center Street Escalante, UT 84726
BLM 324 S. State Street, Ste. 301 Salt Lake, UT 84145	Brian Bellew BLM/SR-12 Scenic Byway Committee P.O. Box 225 Escalante, UT 84726
Darrell Olsen BLM/GSENM 755 W. Main Street Escalante, UT 84726	U.S. Forest Service 125 S. State Street, Rm. 8301 Salt Lake, UT 84138
Maggie Dowd USFS/SR-12 Scenic Byway Committee 1789 N. Wedgewood Ln. Ceday City, UT 84720	USFS—Teasedale Ranger District P.O. Box 90 Teasedale, UT 84773
FEMA—Utah Division P.O. Box 141710 Salt Lake, UT 84114-1710	Colleen Bathe NPA/SR-12 Scenic Byway Committee P.O. Box 170001 Bryce Canyon, UT 84717
Sandra Garcia-Aline FHWA 2520 W. 4700 S., Ste. 9A Salt Lake, UT 84118-1847	Rick Torgerson UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
Daryl Friant UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701	Robert Dowell UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
Stan Adams UDOT 4501 S. 2700 W. Salt Lake, UT 84114-1200	Myron Lee UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
Pam Higgins UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701	Wade Barney UDOT—Region Four 1345 S. 350 W. Richfield, UT 84701
UDNR—Division of Water Resources P.O. Box 146201 Salt Lake, UT 84114-6480	UDNR—Utah Geological Survey P.O. Box 146100 Salt Lake, UT 84114-6480
UDA P.O. Box 146500 Salt Lake, UT 84114-6500	Health Department P.O. Box 14 Escalante, UT 84262
UDCED 324 S. State Street, Ste. 500 Salt Lake, UT 84145	Tyler Robirds SR-12 Project Team 310 E. 4500 S., Ste. 600 Salt Lake, UT 84107

Kim Clark SR-12 Project Team 310 E. 4500 S., Ste. 600 Salt Lake, UT 84107	Randi Shover SR-12 Project Team 310 E. 4500 S., Ste. 600 Salt Lake, UT 84107
Michelle Fishburne SR-12 Project Team 2840 Plaza Place, Ste. 202 Raleigh, NC 27612	Stephen Trimble Words & Photographs 779 4 th Avenue Salt Lake, UT 84103-1078
Mike Brehm SR-12 Project Team 1335 E. Gilmer Dr. Salt Lake, UT 84105-1602	Joe Gregory FHWA 2520 W. 4700 S., Ste. 9A Salt Lake, UT 84118-1847
Craig Sorenson BLM/GSENM P.O. Box 225 Escalante, UT 84726	Andrew Orelmann USFS P.O. Box 246 Escalante, UT 84726



State of Utah

OLENE S. WALKER
Governor

GAYLE McKEACHNIE
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

RECEIVED DEC 14 2004

December 7, 2004

Sandra Garcia-Aline
FHWA
2520 West 4700 South, Suite A
Salt Lake City, UT 84118-1847

Subject: SR-12 Escalante to Boulder Environmental Assessment
Project #: STP-0012(8)60E
Draft Memorandum of Understanding (MOU)

Dear Mrs. Garcia-Aline:

The Agency Scoping meeting for this project was held on October 18th, 2004. At this meeting it was determined that a Memorandum of Understanding (MOU) would be developed to set forth the Agency's roles and responsibilities for the preparation of the NEPA documentation for this project.

Attached to this letter is the Draft MOU for your Agency's review. Our goal is to have all comments to me by December 15th, 2004. You may send your comments to me via email at rtorgerson@utah.gov. We are planning to start the signature process before the Christmas holidays. The signature process will begin with the UDOT, then BLM and finally FHWA.

If there are further questions feel free to contact me at (435) 893-4781.

Sincerely,

Rick Torgerson, P.E.
UDOT Region 4 Project Manager

Enclosures

cc: File

Daryl Friant, Region 4 Environmental Engineer
Tyler Robirds, Lochner

Identical copies of this letter were sent to the following:

Dave Wolf 190 E. Center Street Kanab, UT 84741	Dave Hunsaker 190 E. Center Street Kanab, UT 84741
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**MEMORANDUM OF UNDERSTANDING
between the**

**US DEPARTMENT OF TRANSPORTATION
Federal Highway Administration**

**US DEPARTMENT OF INTERIOR
Bureau of Land Management**

and the

Utah Department of Transportation

**For Cooperating Agencies in the Preparation of NEPA Documentation
regarding State Road 12 between Escalante and Boulder, Utah
January 2005**

I. PREAMBLE

Whereas:

The Utah Department of Transportation is conducting planning, engineering, and environmental studies for the implementation of safety improvements along SR-12 from Boulder to Escalante, Utah, hereafter known as the Project. A large portion of the Project is located adjacent to lands within the Grand Staircase-Escalante National Monument, hereafter known as the Monument. The Monument is managed by the Department of Interior through the Bureau of Land Management.

The Utah Department of Transportation has retained H.W. Lochner, Inc., to conduct the Project studies and prepare an Environmental Assessment for the Project under the National Environmental Policy Act (NEPA). For the purposes of this Project, Lochner, acting as Consultant, will be assisting the Utah Department of Transportation with its responsibilities outlined in this Memorandum of Understanding.

The development of the Project includes preparing planning, engineering, and environmental studies, including the Purpose and Need and the preliminary alternatives. An Environmental Assessment will be initiated for the project to evaluate potential impacts. Based on the findings of the Project studies, an Environmental Impact Statement/Record of Decision may be prepared in place of the Environmental Assessment. These documents, hereinafter known as the NEPA Document, will be prepared in accordance with NEPA.

Therefore, this Memorandum of Understanding (MOU) is made and entered into by and between the U.S. Department of Transportation: Federal Highway Administration, hereinafter known as the FHWA, the U.S. Department of Interior: Bureau of Land

Management, hereinafter known as the BLM, and the Utah Department of Transportation, hereinafter known as the UDOT.

II. PURPOSE

The purpose of this MOU is to establish cooperation between the FHWA, BLM, and UDOT in the preparation of the NEPA Document for the Project.

It is clearly understood by all parties that this MOU provides the framework to comply with the requirements of the National Environmental Policy Act in the preparation of the NEPA Document. Completion of the NEPA Document does not imply there will be a favorable decision to authorize the proposed project as submitted by the UDOT.

This agreement is intended for the sole purpose of identifying the cooperating agencies and addressing the NEPA responsibilities of the parties involved with the Project and does not extend to permitting, construction, maintenance, and operation of the intended facility.

III. AUTHORITY

This MOU is authorized by:

- Title 1 of the National Environmental Policy Act of 1969, as amended (NEPA), 42 USC 4331, as amended;
- Federal-Aid Highways, Title 23 USC, “Highways”;
- “Environmental Impact and Related Procedures” 23 CFR 771, Federal Highway Administration;
- “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” – 40 CFR Parts 1500-1508, Council on Environmental Quality (CEQ);
- Section 307 of the Federal Land Policy and Management Act of 1976, 43 USC 1737 (FLPMA), as amended;
- Chapter 2, 23 USC Section 317, “Appropriation for highway purposes of lands or interests in lands owned by the United States”; and,
- Interagency Agreement between the BLM and FHWA, September 10, 1982
- Utah Code Ann. 11-13-101, Interlocal Cooperation Act

III. RESPONSIBILITIES

A. FHWA Responsibilities

1. The FHWA, as the Lead Federal Agency, will coordinate the exchange of information between the BLM and the UDOT as related to NEPA. The FHWA will expedite information gathering, and reconcile any delays within the agencies.
2. The FHWA designated point of contact is Mrs. Sandra Garcia-Aline (801/963-0182).
3. FHWA will actively participate and provide information in all substantial phases of NEPA document preparation.
4. The FHWA will provide interdisciplinary team members and other appropriate specialists to review the Technical Reports and NEPA Document(s) and to actively participate in scoping meetings and other public involvement processes.
5. The FHWA will submit comments on the Technical Reports and NEPA Document(s) to the BLM and UDOT in a timely manner, not to exceed 30 days after the receipt of the reports and document(s).
6. FHWA will determine the adequacy of the NEPA document(s) in accordance with their regulation including consultations required by Section 7 of the Endangered Species Act of 1973, as amended; Section 106 of the National Historic Preservation Act of 1966, as amended; Section 4(f) of the U.S. Department of Transportation Act of 1966; and Sections 401 and 404 of the Clean Water Act.
7. The FHWA is ultimately responsible for the Native American Consultation associated with the project.
8. FHWA will attend regular and other meetings with federal, state, regional, local agencies, and concerned public groups.
9. The FHWA will ensure a final determination on the inclusion or deletion of material from the NEPA document(s) in all instances involving questions as to the content of any material (including all data, analysis, and conclusions).
10. As the Lead Federal Agency, the FHWA will be signatory to the completed NEPA Document(s).

B. BLM Responsibilities:

1. The BLM will designate a single point of contact for the majority of the Project issues, including matters concerning the Wilderness Study Areas (WSAs), the right-of-way (ROW) processing, as well as matters related to the development of the NEPA Document(s). This designee will also be responsible for providing information or arranging final approvals and signatures as needed for implementation of the Project. The BLM designated point of contact is Paul Chapman (435/644-4309).
2. The BLM will actively participate and provide information in all substantial phases of NEPA document preparation.
3. The BLM will provide interdisciplinary staff members and other appropriate specialists to actively participate in scoping meetings and other public involvement processes.
4. The BLM will be responsible for the internal distribution and review of the Technical Reports and NEPA Document(s) for the Project. Specific responsibilities include the following:
 - a. Provide interdisciplinary staff members and other appropriate specialists to review the Technical Reports and NEPA Document(s);
 - b. Oversee requests and consolidation of all comments prepared by BLM;
 - c. Review Technical Reports and NEPA Document(s) in coordination with the FHWA and UDOT to ensure compliance with BLM guidelines and requirements of NEPA; and,
 - d. Consolidate all BLM comments, and provide the FHWA and UDOT with a comment summary within forty-five (45) days from the receipt of the document and request for review.
5. The BLM will consult with the FHWA/UDOT on the development of project alternatives and various components of the NEPA document(s) as needed during document preparation to assist FHWA/UDOT in avoiding adverse impacts.
6. The BLM will provide input to the UDOT in relation to the design, organization, preparation, and maintenance of the administrative record for the Project.
7. The BLM will provide written materials, such as laws, regulations, guidelines, management plans, implementation policies, meeting minutes, review comments, and public coordination activities, relevant to the Project to UDOT, as needed, for inclusion in the administrative record for the Project.

8. The BLM will attend regular and other meetings with federal, state, regional, local agencies, and concerned public groups.
9. The BLM will coordinate with UDOT to make all information submitted by the public and others accessible upon request pursuant to the rules and exceptions of the Freedom of Information Act. This information will be made available following publication of the NEPA analysis document(s).
10. The BLM will recommend any necessary modification of the NEPA document(s) as a result of public comments to UDOT and will provide input regarding the responses to comments.
11. The BLM will determine the adequacy of NEPA documents(s) for public lands administered by the BLM and for assuring compliance with the requirements of NEPA and the Grand Staircase-Escalante National Monument Management Plan.

C. UDOT Responsibilities

1. The UDOT designated point of contact for this Project is Mr. Rick Torgerson (435/893-4781).
2. The UDOT, in cooperation with FHWA and BLM will prepare an environmental document in accordance with the National Environmental Policy Act of 1969, as amended.
3. The UDOT, in coordination with the FHWA and the BLM, will establish a detailed schedule which outlines the environmental analysis process and indicates key milestones for its completion. In addition, they will facilitate the completion of the NEPA document(s) in the time frames specified in the schedule, subject to extensions due to incompleteness in the application, project description, new issues identified during the scoping process, availability of data and information submitted by others, changes in the scope of the project, or other conditions beyond the UDOT's control.
4. The UDOT will conduct public scoping meetings as necessary. UDOT and FHWA in coordination with BLM will be responsible for ensuring that the scoping meetings meet the respective agencies' scoping requirements.
5. The UDOT has established Mr. Daryl W. Friant (435/893-4714) as the point of contact on all matters relating to the preparation of the NEPA document.
6. The UDOT will provide to the agencies any justifiable, necessary, or relevant technical or environmental information which is needed for preparation of the NEPA document. BLM and FHWA will assist in identifying applicable federal, state, and local regulations.

7. The UDOT will provide the BLM and FHWA with a copy of any written material related to the environmental analysis and other correspondence pertinent to the NEPA process, and keep BLM and FHWA informed of any meetings scheduled.
8. The UDOT will be responsible for identifying and complying with all federal, state, and local laws and regulations that apply.
9. The UDOT will be responsible for distribution of the Technical Reports and NEPA Document(s) for the Project, and will act as facilitator for FHWA. Specific responsibilities include:
 - a. Distributing the Reports and NEPA Document(s) to the federal, state, and local agencies associated with the Project, as needed, for review and comments;
 - b. Consolidating scoping comments received by review agencies, including BLM and FHWA; and,
 - c. Providing public review of the NEPA Document(s) and public hearings.
10. The UDOT will arrange and facilitate coordination meetings, as necessary, between the FHWA, UDOT, and the BLM.
11. The UDOT will be the main collection point for public comments regarding the Project. UDOT will establish procedures for consolidating public comments in coordination with FHWA and BLM.
12. The UDOT, in coordination with FHWA and BLM, will maintain the official case file for the Project and assume responsibility for design, organization, preparation, and maintenance of the administrative record for the Project.
13. The UDOT will make all information submitted by the public and others accessible upon request pursuant to the rules and exceptions of the Freedom of Information Act and the Utah Governmental Records Access and Management Act. This information will be made available following publication of the NEPA analysis document(s).

IV. TERM

This MOU is executed as of the last date shown below and expires in three (3) years or upon acceptance by BLM and FHWA of the final NEPA Document.

V. EXTENSION

The term of this MOU may be extended in force by any party with a written notice to the other two (2) parties within sixty (60) days of the current termination date. The written notice must designate a time frame and purpose of the extension. The other two (2) parties must respond in writing within thirty (30) days of the receipt of the notice.

VI. TERMINATION

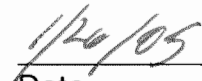
This MOU and any written guides or procedures attached hereto shall continue in force unless formally terminated by any party after thirty (30) days written notice of the intention in writing to the other parties.

In the event of termination of the MOU, it is agreed as follows:

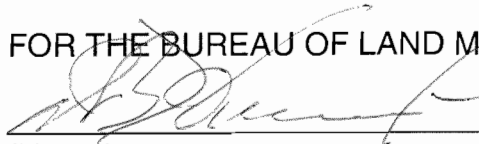
FHWA and BLM shall have access to all non-proprietary and non-confidential documentation, reports, analyses, and data developed by or in possession of the UDOT.

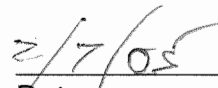
FOR FEDERAL HIGHWAY ADMINISTRATION


(Name)

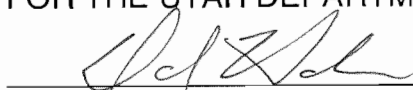

Date

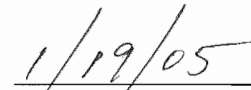
FOR THE BUREAU OF LAND MANAGEMENT


(Name)


Date

FOR THE UTAH DEPARTMENT OF TRANSPORTATION


(Name) R-4 Director


Date

LOCHNER

H. W. LOCHNER, INC. 310 East 4500 South, Suite 600, Salt Lake City, UT 84107

(801) 262-8700
Fax: (801) 262-8885

Meeting Summary

To:

Attendees
Project File

From:

Kim Clark, HW. Lochner, Inc.

Project:

Preparation of Environmental Assessment
SR-12, Escalante to Boulder

Meeting Purpose:

WSA Field Meeting

Meeting Time/Date:

1:00 a.m. to 12:30 p.m. / June 7, 2005

Location:

Escalante Visitor Center
Field Visit

The following is a summary of the meeting that took place regarding Wilderness Study Areas and Right-of-Way along SR-12 from Escalante to Boulder. The meeting was held on Tuesday, July 26, 2005 at the Escalante Visitor Center followed by a field review.

A draft summary of the meeting was prepared by Kim Clark on August 11, 2005. Comments on the draft summary were submitted by Dave Mermejo. These comments were incorporated by Andrea Clayton and the meeting minutes were finalized on September 11, 2009.

Project maps were given to each of the attendees. The following individuals were in attendance:

Paul Chapman, BLM – Kanab, UT
Dave Mermejo, BLM – Salt Lake City, UT
Ed Franz, BLM- Escalante, UT
Rick Torgerson, UDOT Project Manager
Kim Clark, H.W. Lochner, Inc.

Right-of-Way

Most of the corridor from Head of the Rocks to New Home Bench is currently claimed as RS 2477 by UDOT (this claim has not been adjudicated). However the width of Right-of-Way is the question. BLM identifies the Right-of-Way as “edge of disturbance” to “edge of disturbance”. This generally corresponds to the toe of fill or top of cut of the roadway, whichever is more discernable. This location is very evident in some locations

on aerial photos.

Paul Chapman stated that it would take a court decision to delineate a width wider than the “edge of disturbance” for a RS 2477 Right-of-Way. BLM can take action on a Title23 Right-of-Way transfer.

There are areas that were owned by State Trust lands along the corridor that by state law should have been granted a 100’ Right- of- Way to UDOT. The land was transferred to BLM once the Grand Staircase Monument came into existence. At this time it is unclear if UDOT has ownership records of the 100’ Right-of-Way in these areas.

BLM also has a record of Right-of-Way north of the Calf Creek Campground, however UDOT has no record of the ownership on file at this time.

There is also Right of Way near the Escalante Bridge that was granted for the construction of the bridge in 1994.

Wilderness Study Areas

In 1993, BLM Wilderness Study Area (WSA) recommendations were submitted to Congress. These areas are shown on the GIS map attached. The boundaries were drawn on 7 ½' quad maps which do not show substantial detail and are subsequently digitized. Questions & discrepancies have been noted in the GIS data and placed in the file. No modifications have been made through Congress.

There are some areas where the edge of disturbance is easily identified on aerial photos. Areas within the roadway prism (including where maintenance activities have taken place) are excluded from WSAs.

Dave Mermejo stated that WSAs are an interim designation pending Congressional action to designate the area(s) as wilderness or release from further wilderness study. When an area is designated Wilderness it is generally delineated with a 300’ setback from centerline of existing paved roads.

Many of the WSA boundaries along the corridor are defined by Right- of-Way of the major power lines, which have a 25’ Right-of-Way from the centerline of the power poles. The WSAs are delineated by the furthest Right-of-Way line from the roadway. Paul Chapman recommended including among the alternatives in the NEPA document, the desired design throughout the corridor including in the areas where the WSAs may be affected. This would allow for the ultimate configuration to be implemented without additional NEPA documentation once the WSAs are designated or released. However, BLM could not support the ultimate configuration until the wilderness issue is settled.

Administrative actions may be approved by BLM in areas restricted by WSAs and RS 2477 Right-of-Way if the health and safety of the public is a concern. Suggested areas where this may apply include:

Boynton Overlook (extension of the pullout)
Area across from Boynton Overlook (due to sight distance)
Calf Creek Bridge (if necessary)
Calf Creek Campground (improved entrance to campground)

It is important to note that these administrative actions can be authorized by BLM in specific areas only and cannot be applied throughout the length of the corridor in its entirety.

Field Review

The group stopped at the access road (Spencer Flat or Sheffield Road at ~R.P. 70.6) just past the Head of the Rocks. The WSA is on the east side of the road in this area. At this location there is a fence approximately 100' from the centerline of the road. It is important to note that the fence line does not form the boundary of the WSA. As a point of clarification, it should also be noted that existing livestock fences are acceptable within WSAs as grandfathered developments. New fences can only be located within WSAs if they are temporary and can easily be removed with minimal surface disturbance from a designated wilderness area if required.

The next stop was ~R.P 72.2 (asphalt patch on the east side). The WSAs are both east and west of the road. The right-of-ways for the power lines on both sides of the road define the WSA boundaries in places. There is a large power line far west of the roadway. It was questioned if the WSA boundaries are accurate in this area due to the power lines. The right-of-way for the large power lines should be the boundary. Based on research from Edd Franz and Lochner, it seems as though the Old Cream Cellar Road would be outside of the WSA boundary.

The next stop was the Boynton Overlook (~R.P. 73.5). There are a number of large power lines coming into this area. A potential extension of the overlook was discussed. The group determined it would be possible to extend the overlook to the west and possibly provide a one-way road to access the overlook. It is assumed that the westerly three pole power line is the WSA boundary. If so, there is sufficient area to reconstruct the overlook. It was also noted because of the safety issues involved with this location it may be possible to realign both sides of the road here even though there could be slight intrusion into the WSAs.

The Calf Creek Bridge (~R.P. 75.1) was the next stop. The area southwest of the structure has been disturbed as indicated by a berm with notable fill. Therefore this area is outside of the WSA boundary. It is possible to realign the structure if necessary without impact to the WSA. A large power line to the east which defines the WSA boundary is on top of the cliff and therefore the WSA will not be impacted if the bridge is replaced.

At the Calf Creek Campground (~R.P. 76) there is a power line to the west that is on the east side of Calf Creek. However, this power line does not define the boundary of the WSA. The WSA boundary was identified by BLM as the toe of slope southwest of the access road to the campground. Again, because of public safety concerns with the

campground access road, improvement of the road may be considered, even if the WSA would be slightly intruded upon.

The next stop (~R.P.77.9) was at an area where the roadway pavement section is collapsing beneath a section of Jersey barrier. The only reason this barrier does not fall down the slope is because it is supported by two adjacent sections of barriers. The area southwest of this site was at one point state trust land. The land was part of an exchange between SITLA and BLM at inception of the Monument. In this area, it was identified that it would be easier to widen the road to the east due to the large fill slopes. This is a specific area of concern due to the width of the road and the unstable barrier.

The last stop was at the Hogsback (~R.P. 79.75). The WSAs boundaries in this area are alternately identified by the power line rights-of-way and the RS-2477 rights-of-way for SR-12. The idea of a walkway was discussed. The group noted it would be difficult to construct within the WSA boundaries,

The BLM WSA boundary maps were requested by Kim Clark. Coordination will take place between Kim Clark and Dave Mermejo to receive a copy.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
8500
(UT-934)

AUG 23 2005

Ms. Kim Clark
H.W. LOCHNER, INC.
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107

RE: BLM / UDOT State Road 12 Meeting, Grand Staircase Escalante N.M.

Dear Ms. Clark:

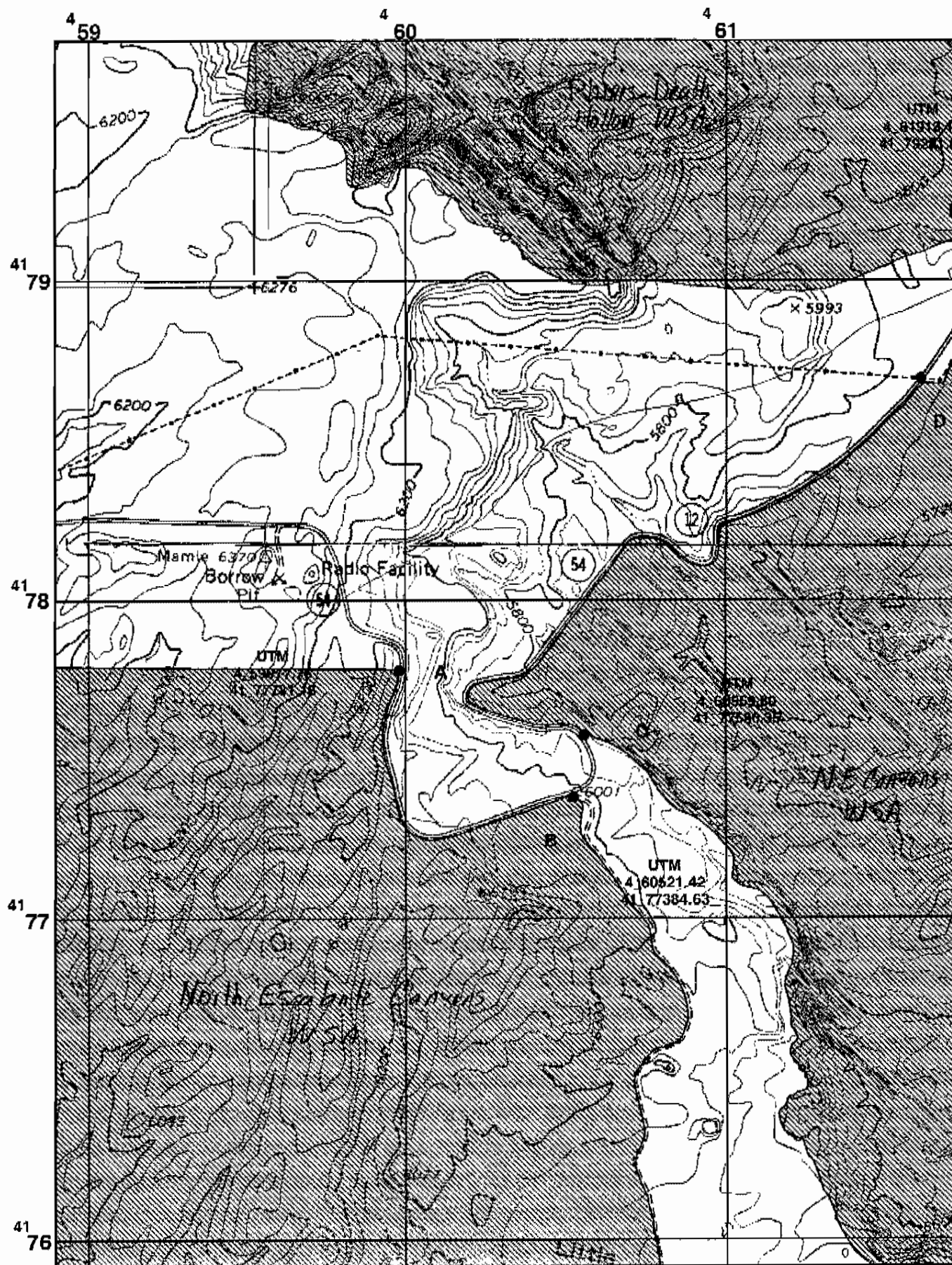
Enclosed are copies of Wilderness Study Area (WSA) boundary maps that were part of the data brought to the BLM / UDOT State Road 12 road widening proposal meeting held at the GSENM offices in Escalante, Utah on July 26, 2005, by Dave Mermejo of my staff. These maps are provided to you, as requested at the meeting. The points identified on the maps as A. B. C. etc. are screen digitized locations of points where the WSA boundary is immediately adjacent to state road 12. The UTM numbers listed for each point is approximate.

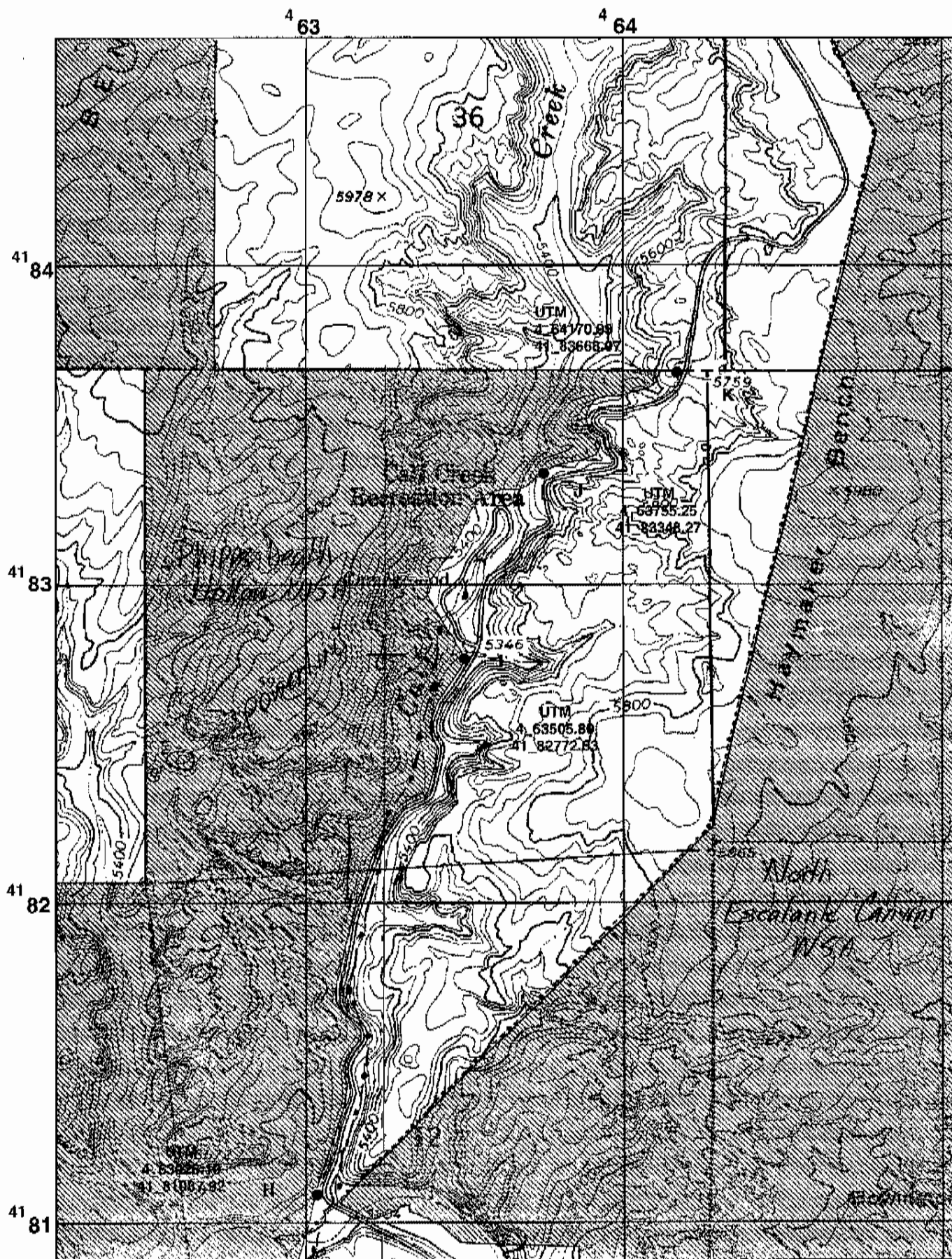
If you have any further questions please contact Dave Mermejo at (801) 539-4054.

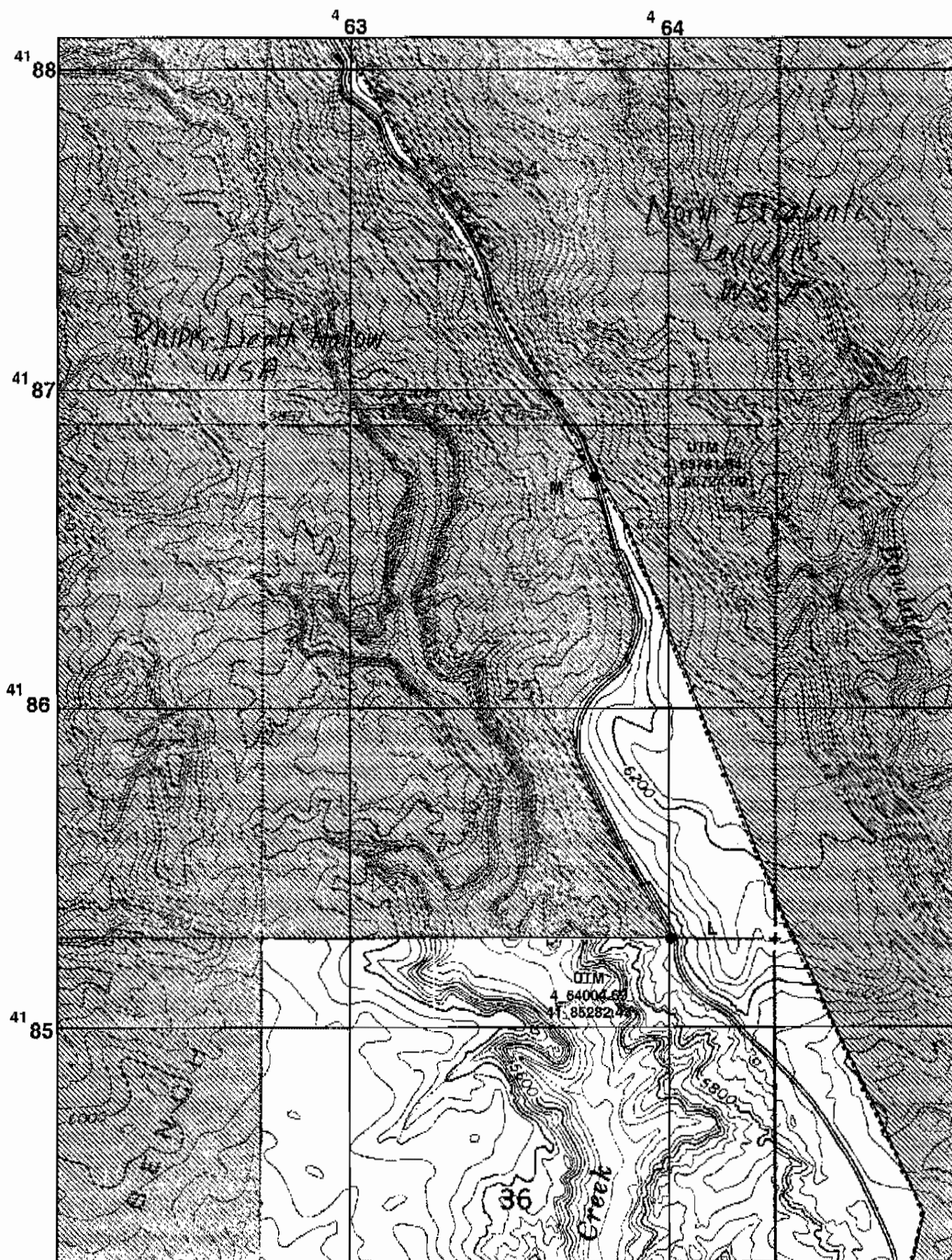
Sincerely,

Shelley J. Smith
Branch Chief, Recreation, Wilderness,
Cultural and Fossil Resources

Enclosures
As Stated Above

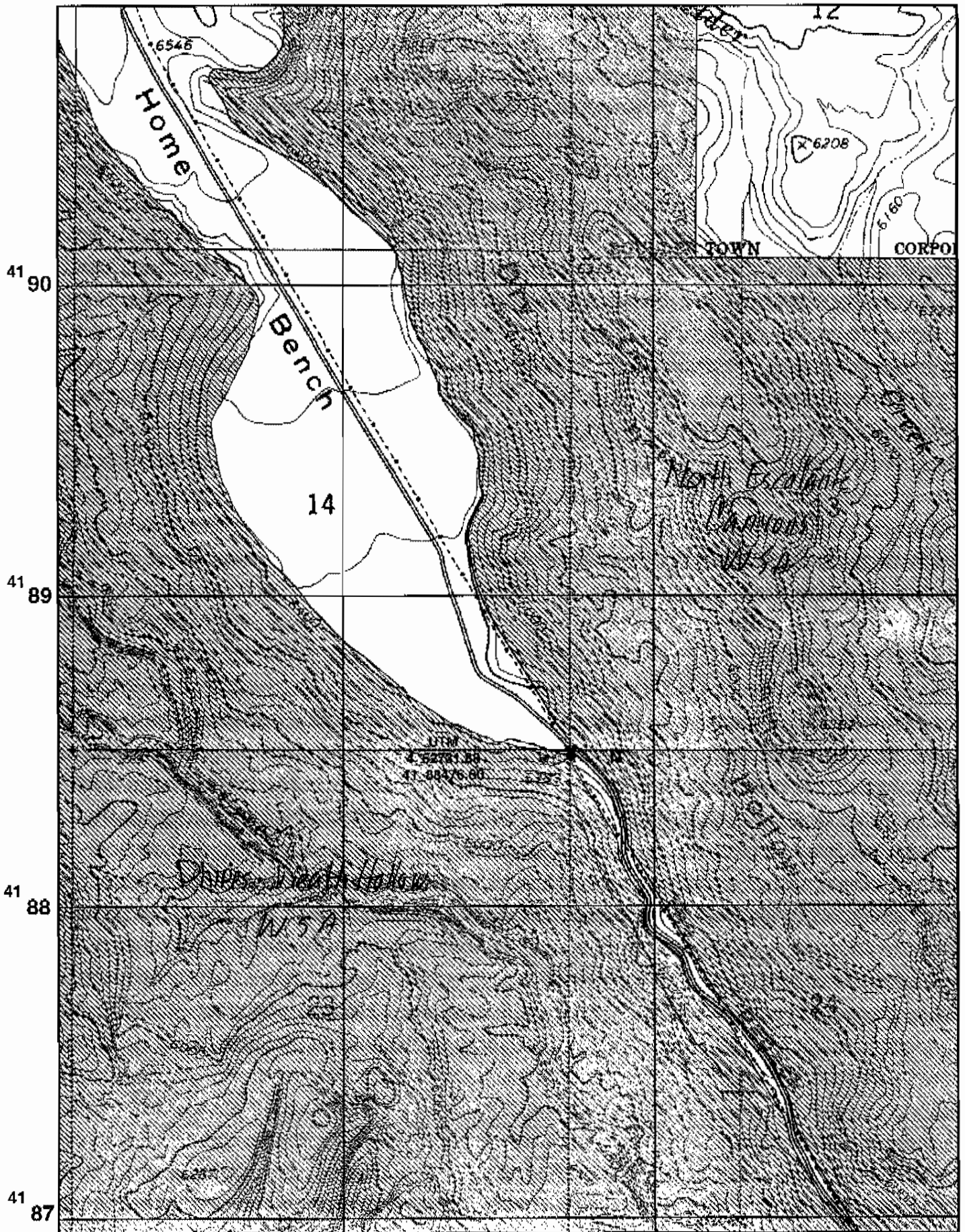






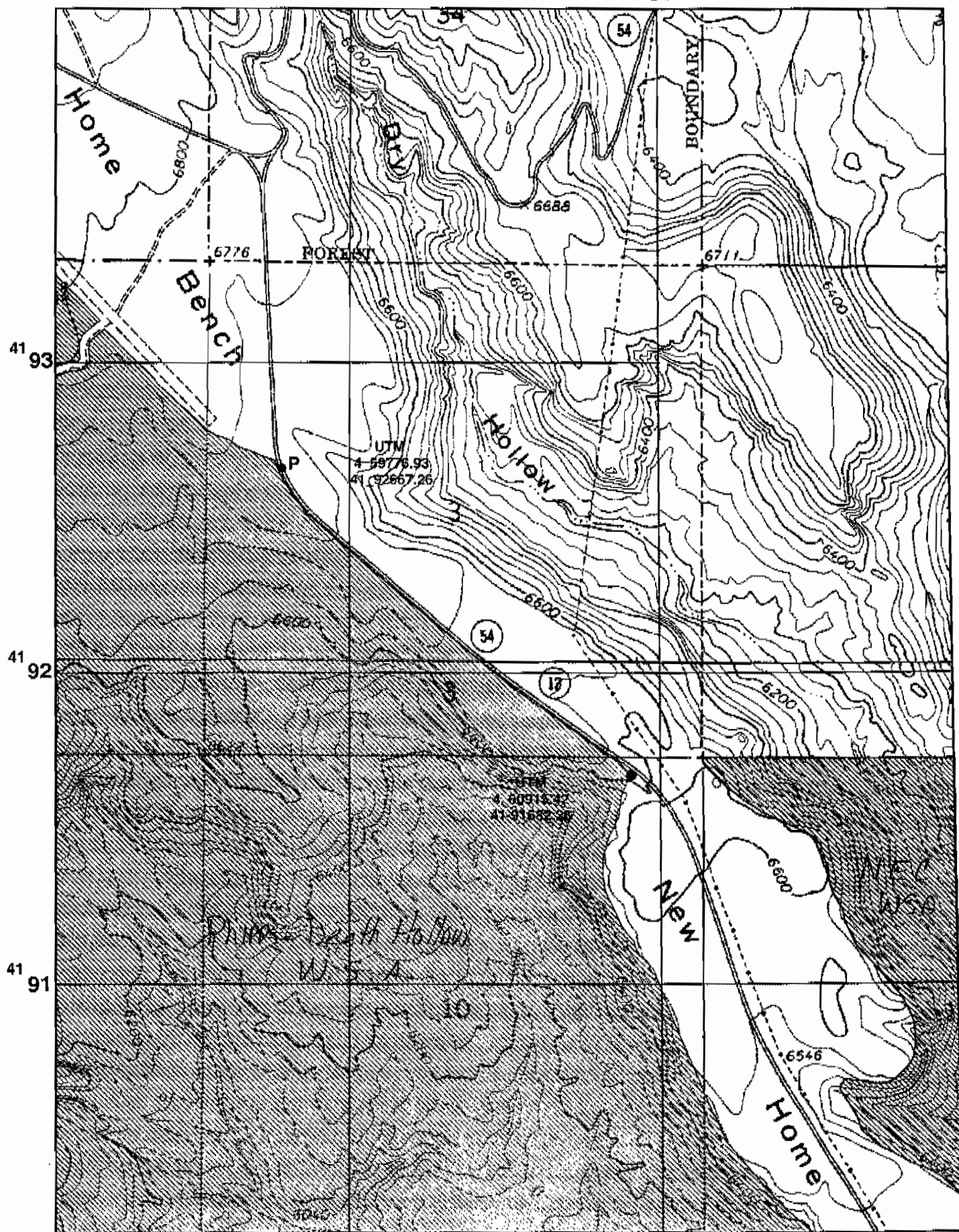
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Grand Staircase-Escalante National Monument

190 E Center Street

Kanab, UT 84741

<http://www.ut.blm.gov/monument>



IN REPLY REFER TO:
UT030-2800

August 8, 2006

Andrea Clayton
H.W. Lochner
310 East 4500 South
Salt lake City, UT 84107

RECEIVED AUG 15 2006

Dear Andrea,

This is to confirm recent discussions with you regarding the applicability of using Title 23 as an avenue available to pursue a right-of-way for State Route 12 through Grand Staircase-Escalante National Monument (GSENM). As recent e-mail messages forwarded to you indicate, Title 23 is not considered a public land law and therefore may be used as a method for the Federal Highway Administration to acquire a right-of-way through GSENM pursuant to the Bureau of Land Management and Federal Highway Administration Interagency Agreement of July, 1982 (copy enclosed).

Sincerely,

Marietta Eaton
Monument Manager (Acting)

Enclosure

cc

Carlos Machado, Federal Highway Administration (without enclosure)

Rick Torgerson, Utah Department of Transportation (without enclosure)

2805 - FEDERAL AGENCIES

INTERAGENCY AGREEMENT

Bureau of Land Management
and
Federal Highway Administration

I. Purpose. This Interagency Agreement provides procedures by which the Secretary of Transportation acting through the Federal Highway Administration (FHWA) may appropriate public lands for highway rights-of-way and sources of materials for the Federal-aid Highway System and those classes of highways provided for in Chapter 2, 23 U.S.C. The lands appropriated are for use by the States for highways and/or highway material purposes. The appropriation is subject to conditions the Secretary of the Interior acting through the Bureau of Land Management (BLM) may deem necessary for adequate protection and utilization of the public land and protection of the public interest.

II. Authority.

- A. The Federal Land Policy and Management Act of 1976, 90 Stat. 2766, 43 U.S.C. 1737.
- B. The Act of August 27, 1958, as amended, 23 U.S.C., Sections 107(d) and 317.

III. Procedures. BLM and FHWA recognize the need for streamlined procedures by which the FHWA may appropriate BLM-administered public lands for highway and highway materials for the Federal-aid System and those classes of highways provided for in Chapter 2, 23 U.S.C. To accelerate the appropriation process, FHWA and BLM agree to the following procedures:

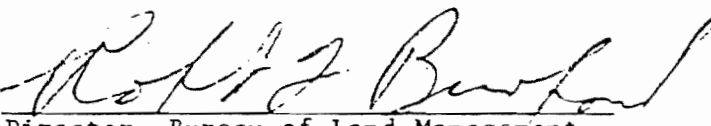
- A. FHWA will notify BLM, as far in advance as possible, of any highway project being contemplated and arrange a meeting with the BLM authorized officer and the participating State agency to discuss the proposed project to ascertain whether or not the appropriation of the lands for highway or highway materials is consistent with BLM resource management programs and develop a plan of action to complete the appropriation within a reasonable time.
- B. It will be the responsibility of FHWA to comply with the National Environmental Policy Act and other legal requirements in arriving at its determination that the lands are necessary for the project.

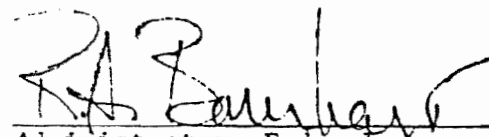
- C. FHWA shall submit to the authorized officer of BLM a written request for appropriation, accompanied by a map showing the location of lands it desires to appropriate, a statement of its determination that the lands are necessary for the project, a copy of the environmental assessment, and/or a copy of the environmental impact statement.
- D. The authorized officer of the BLM, after receipt of the request and attachments, shall review the material and, within a period of four months, notify FHWA, in writing, either (a) that the appropriation would be contrary to the public interest or inconsistent with the purposes for which the public lands or materials are being managed or (b) that BLM is in agreement with the appropriation subject to conditions of adequate protection and utilization of the public lands. If within a period of four months, the Bureau of Land Management has not responded, in writing, to the request for appropriation, such lands may be considered appropriated by FHWA and transferred to the State for right-of-way purposes as requested.
- E. Disagreement to the appropriation will be in the form of a letter, from BLM to FHWA, clearly stating the reasons why such an appropriation would be contrary to the public interest or inconsistent with the purposes for which the public lands or materials are being managed.
- F. Agreement to the appropriation will be in the form of a "Letter of Consent" which clearly states the conditions under which the agreement is given. These conditions involve the following:
 - 1. Resolution of existing valid claims and use authorizations.
 - 2. Granting authority to FHWA within the appropriation is limited to rights-of-way for the Federal-aid Highway System and those classes of highways provided for in Chapter 2, 23 U.S.C.
 - 3. BLM retains the authority to grant additional right-of-way uses within and across the appropriated highway or material site right-of-way. Such additional uses include, but are not limited to, transportation and utility systems for water, power, communications, oil and gas, or any other facilities which are in the public interest, are not directly associated with highway use, operation and related highway purposes, and are not inconsistent with Title 23 of the U.S. Code. The FHWA shall be consulted prior to the issuance of such authorizations.

2805 - FEDERAL AGENCIES

4. The appropriation will automatically terminate if construction is not started within ten (10) years or sooner if agreed upon.
 5. Conditions providing for development and use of the adjacent public lands, such as, reasonable access and signing.
 6. Conditions protecting the adjacent public lands from right-of-way construction and maintenance activities which may cause off right-of-way adverse effects, such as, wildfire, chemical control of vegetation and animals, runoff drainage and revegetation with non-native species.
- G. FHWA, when transferring the highway right-of-way or highway material appropriation to the State, will make it subject to BLM's conditions as contained in the "Letter of Consent". FHWA will administer these conditions. BLM will work with or through FHWA when they observe non-compliance to the appropriation "Letter of Consent" conditions.
- H. When the need for the appropriation no longer exists and the State has reasonably rehabilitated the area to protect the public and environment, FHWA will notify BLM in writing. Upon receipt of this notice and acceptance of the rehabilitation, the lands appropriated shall revert to the BLM.
- I. A copy of the right-of-way use document from FHWA to the respective State shall be furnished to the BLM authorized officer.
- J. Amendments to or modifications of this Interagency Agreement may be initiated by either party, but shall not become effective or binding until agreed upon by both parties.

IV. Tenure. This document shall become effective upon the revocation of 43 CFR 2820-Roads and Highways and shall remain in effect unless terminated by mutual agreement or one agency after giving the other agency thirty (30) days prior written notice.


Director, Bureau of Land Management


Administrator, Federal
Highway Administration

7/1/82
Date

JUL 27 1982
Date

2805 - FEDERAL AGENCIES

Exhibit A (Letter of Consent)

U. S. Department of Interior
Bureau of Land Management

Mr. Frank E. Hawley
Regional Federal Highway Administrator
2 Embarcadeco Center
San Francisco, California 94111

Dear Mr. Hawley:

Request has been received for the appropriation of public lands of the United States within the State of California for the purpose of issuing a right-of-way use document to the California State Highway Department for the reconstruction of State Route 21 (U. S. Highway 40A), pursuant to U. S. C. TITLE 23: Highways, Section 317 and Section 107(d).

The area requested lies in the:

(Legal description)

(Subdivision(s), Section, Township, Range and Meridian)

as shown on the map titled "State of California, Department of Public Works, Division of Highways," and marked "District II, Plumas County, Route 21, Section E, Sheets 1 and 2, Approved by H. S. Miles, District Engineer, on August 14, 1964."

In accordance with the provisions of the Interagency Agreement between the Bureau of Land Management (BLM) and the Federal Highway Administration (FHWA), the BLM agrees to the appropriation and transfer of the above described lands for the foregoing purpose subject to the following conditions, stipulations for which must be included in the right-of-way use document issued to the California State Highway Department, agreed upon by the State, and enforced by the FHWA:

1. If outstanding valid claims exist on the date of this use authorization, the State agency shall obtain such permission as may be necessary on account of any such claims.
2. The use right herein authorized shall terminate 10 years, or sooner if agreed upon, from the date of execution of the transfer document by FHWA to the State in the event construction of a highway or use of the material site has not been initiated during such period.

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3. The use right herein authorized is limited to the described right-of-way and the space above and below for highway purposes and does not include any use rights for non-highway purposes.
4. Retention of rights by BLM to use, or authorized use on, any portion of the right-of-way for non-highway purposes provided such use would not interfere with the free flow of traffic, impair the full use and safety of the highway, or be inconsistent with the provisions of Title 23 of the United States code and the FHWA regulations pursuant thereto, and the FHWA and the State agency concerned shall be consulted prior to exercising such rights.
5. Location by BLM of any Bureau information signs on the portions of the right-of-way outside of construction clearing limits except that such signs shall not be located on the right-of-way of an Interstate System.
6. Consistent with highway safety standards, the State agency shall:
 - a. Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits.
 - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation, maintenance of the highway.
 - c. Vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary prior to completion of the highway and shall maintain terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
7. No sites for highway-operation and maintenance facilities, camps, supply depots, or disposal areas within the right-of-way may be established without obtaining approval of the BLM authorized officer.
8. Application of chemicals shall be pursuant to the National Environmental Policy Act and shall be approved by FHWA prior to application by the State.
9. The provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 242) shall be complied with.

UNITED STATES CODE**TITLE 23: HIGHWAYS**

FEBRUARY 1980

§ 107. Acquisition of rights-of-way—Interstate System.

(d) Whenever rights-of-way, including control of access, on the Interstate System are required over lands or interests in lands owned by the United States, the Secretary may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands adequate rights-of-way and control of access thereto from adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

§ 317. Appropriation for highway purposes of lands or interests in lands owned by the United States.

(a) If the Secretary determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for the right-of-way of any highway, or as a source of materials for the construction or maintenance of any such highway adjacent to such lands or interests in lands, the Secretary shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interests in lands which it is desired to appropriate.

(b) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Secretary that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department, or its nominee, for such purposes and subject to the conditions so specified.

(c) If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary and such lands or materials shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

(d) The provisions of this section shall apply only to projects constructed on a Federal-aid system or under the provisions of chapter 2 of this title.

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EXHIBIT C

HIGHWAY EASEMENT DEED

THIS DEED, made this _____ day of _____, 19____, by and between the UNITED STATES OF AMERICA, acting by and through the Department of Transportation, Federal Highway Administration, hereinafter referred to as the Department, and the _____

_____ hereinafter referred to as the
Grantee:

WITNESSETH:

WHEREAS, the Grantee has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317) (1/ and Section 107 (d)), for the right-of-way of a highway over certain Federal land under the jurisdiction of the Department of the Interior - Bureau of Land Management in the State of _____, which land has been appropriated by the Department, and

WHEREAS, the Federal Highway Administrator, pursuant to delegation of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for (identification of highway)

_____; and

WHEREAS, the Department of the Interior, acting by and through the Bureau of Land Management, in its consent to the appropriation of the Federal land, has agreed to the transfer by the Department of an easement over the land to the Grantee;

NOW THEREFORE, the Department, as authorized by law, and in compliance with all requirements imposed by or pursuant to Title 49 CFR, Department of Transportation, Subtitle A, Office of Secretary, Part 21, nondiscrimination in federally-assisted programs of the Department of Transportation (49 CFR 21.2 - 21.23) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of

1/ To be included where grant is for Interstate.

1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby grant to the Grantee an easement for a right-of-way for the construction, operation, and maintenance of a highway (1/ including control of access thereto from adjoining lands) and use of the space above and below the established grade line of the highway pavement for highway purposes on, over, across, in, and upon the following described Federal land within the

_____, County of _____, State of _____:
 _____ Township _____ (North)(South), Range _____ (East)
 (West), _____ Meridian

SECTIONSUBDIVISION

(In non-public land survey States parcel description to conform with State practice).

As shown on the following plats:

Drawing No. _____ Dated _____ Number of Sheets _____
 _____ Marked Exhibits _____ attached hereto and made
 parts hereof, subject, however, to the following terms and conditions:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the Grantee shall obtain such permission as may be necessary on account of any such claims.
- (2) Construction of the highway facility is to be undertaken by the Grantee in compliance with the Act entitled "An Act for the Preservation of American Antiquities" approved June 8, 1960 (34 Stat. 225, 26 U.S.C. 432-433), and State laws where applicable.
- (3) The easement herein granted shall terminate _____ years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such period.
- (4) The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purpose of construction, operation, and maintenance of a highway in accordance with the approved plans described in the following condition numbered (5) and does not include the grant of any rights for non-highway purposes or facilities: Provided, that the right of the Bureau of Land Management to use or authorize the use of any portion of the

1/ To be included where grant is for Interstate or other controlled-access highway.

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right-of-way for non-highway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the Federal Highway Administration shall be consulted prior to the exercise of such rights: and Provided, further that nothing herein shall preclude the Bureau of Land Management from locating Department of the Interior information signs on the portions of the right-of-way outside of construction clearing limits, (1/ except that such signs shall not be located on the right-of-way of an Interstate System.)

- (5) The design and construction of highway projects situated on this right-of-way will be in accord with the provisions of Title 23, U.S.C. Code-Highways, and amendments; the provisions of the Federal-Aid Highway Program Manual issued by the Federal Highway Administration; the construction specifications of the State highway department as approved by the Federal Highway Administration for use on Federal-aid projects; and the following terms and conditions specified by the Bureau of Land Management:

(List special conditions from BLM Letter of Consent)

- (6) Consistent with highway safety standards, the Grantee shall:

- (a) Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits.
- (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species, as specified in No. (5) above, all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall maintain all terracing, waterbars, lead-off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.

1/ To be included where grant is for Interstate.

(7) The Grantee shall:

Establish no borrow, sand, or gravel pits, stone quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way unless shown on approved construction plans without first obtaining approval.

(8) The Grantee shall maintain the right-of-way and highway facilities to acceptable standards of repair, orderliness, neatness, sanitation, and safety.

(9) The Grantee shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Department after consultation with the Bureau of Land Management. Application for such approval must be in writing and specify the time, methods, chemicals, and the exact portion of the right-of-way to be chemically treated.

(10) When need for the easement herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, the Grantee shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and land shall immediately revert to the full control of the Secretary of the Department of the Interior or his assigns.

The Grantee, in consideration of the conveyance of said land, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that (a) no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such land hereby conveyed, (b) that the Grantee shall use said land so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation, in effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

In the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have the right to re-enter said land and facilities on said land, and the above-described land and facilities shall thereupon revert to and vest in and become the absolute property of the Department of Transportation and its assigns, as such interest existed prior to this instrument. (Reverter clause to be used only when it is determined that such clause is necessary to effectuate the purpose of Title VI of the Civil Rights Act of 1964).

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IN WITNESS WHEREOF, I, _____
 Regional Counsel, pursuant to delegations of authority from the
 Secretary of Transportation, the Federal Highway Administration, and
 _____ Chief Counsel, by virtue of authority
 in me vested by law, have hereunto subscribed my name as of the day
 and year first above written.

UNITED STATES OF AMERICA
 DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION

In Presence of:

 _____ BY _____
 _____ Regional Counsel

STATE OF _____)
 COUNTY OF _____)

I, _____, a Notary Public in and for the
 State of _____, do hereby certify that on this the
 _____ day _____, 19_____, before me personally
 appeared _____, Regional
 Counsel, Federal Highway Administration, and acknowledged that the
 foregoing instrument bearing date of _____,
 19_____, was executed by him in his official capacity and by
 authority in him vested by law, for the purposes and intents in said
 instrument described and set forth, and acknowledged the same to be
 his free act and deed as Regional Counsel, Federal Highway
 Administration.

Witness my hand and seal this _____ day of _____
 _____, 19_____.

 (Notary Public)

(SEAL)

Commission expires _____.

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In compliance with the conditions set forth in the foregoing deed, the State of _____, certifies, and by the acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

BY _____

STATE OF _____)
COUNTY OF _____)

I, _____, a Notary Public in and for said County and State, hereby certify that _____, whose name as _____ is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as such _____ executed the same voluntarily on this day.

Given under my hand and seal of office this _____ day of _____, 19____.

Notary Public

(SEAL)

My Commission Expires _____.

LOCHNER

BLM MEETING SUMMARY

Project:
SR-12, Escalante to Boulder

Meeting Purpose:
Field review of proposed improvements

Meeting Time/Date:
9:00 a.m. to 12:00 p.m. / November 17, 2006

Location:
SR-12, Escalante to Boulder

A field review was held on November 17th, 2006. The following individuals participated in the meeting:

Edd Franz, BLM Recreation/Wilderness Specialist
Andrea Clayton, H. W. Lochner Environmental
H.G. Kunzler, H. W. Lochner Engineering
Jill Hankins, Alpine Environmental

Meeting Objective: Review prioritized improvements to identify any potential conflicts with recreation resources, Wilderness Study Areas (WSAs), or wetlands.

Proposed Improvements

The following spot improvements, to be included in the EA, were discussed during the field review:

1. Intersection improvements at Hole-in-the-Rock Road (no issues identified)
2. Slow vehicle turnouts (opportunities for slow moving vehicles to pull aside to relieve the queue, but not full passing lanes)
 - a. Westbound:
 - i. Between Head-of-the-Rocks Overlook and the Cream Cellar (~RP 69.5): no issues identified
 - ii. On the uphill north of the guardrail at Spencer Flats Road (~RP 70): no issues identified
 - iii. On the uphill south of Boynton Overlook (~RP 72.5); BLM is researching whether the Wilderness Study Area (WSA) boundary is an issue at this location. There is a power line on the west side of the road inside the Phipps Death Hollow WSA shown on the maps from BLM. Edd will investigate the original documents and the intent of the original boundary delineation and get the information back to Lochner.
 - iv. At the first open section of New Home Bench south of Hell's Backbone Road, between the Escalante Grand Staircase National Monument sign and the first turn to the southeast: no issues identified
 - b. Eastbound:
 - i. On the first vertical curve in the "Camelbacks" after the power lines cross the road (~RP 73.5). This turnout would be between the road and the power ROW: no issues identified.
 - ii. At the location south of area used as trailhead access to Boulder Creek and for cattle trailing (~RP 77): no issues identified
 - iii. At the first open section of New Home Bench after the Hogsback (~RP 80): no issues identified
3. Widening the curve known as "the Tank" (~RP 71.5) to the inside: no issues identified
4. Replacement of Calf Creek Bridge, including realignment of the Calf Creek channel in order to reduce scour on the abutment.

- The WSA boundary west of the bridge is defined by the western toe of a large berm built on the west bank of Calf Creek. The WSA boundary east of the bridge is far to the east on top of the cliffs.
 - Two Creek realignment options were discussed (both north of the existing crossing):
 - i. Tie into first bend downstream of the existing bridge with an increased skew (thus shifting the crossing slightly north).
 - ii. Tie into old channel on east side of SR-12 (shifting the crossing farther north).
 - Either Creek realignment option would create a shift to the northeast; neither would result in an impact to WSAs. Lochner will coordinate with a stream realignment specialist in the Lochner Raleigh office to determine the best approach.
 - Calf Creek is a Water of the United States. Jill will flag the ordinary high water mark and wetlands for survey.
5. Stabilization of the roadway where the embankment is currently supported by a W-beam (~RP 75.5, between the Calf Creek Bridge and the Calf Creek Recreation Area). This could be accomplished by rock removal and shifting the roadway east (away from the slope): no issues identified.
 6. Intersection improvements at Calf Creek Recreation Area access. The WSA boundary on the west is defined by the toe of the campground access road. There was a discussion regarding a possible administrative action by BLM to allow a slight intrusion into a WSA to allow a wider turn radius onto SR-12. Edd stated that in order to use this approach, it would have to be a matter of safety – not just a matter of convenience. H.G. will research the accident data at this intersection location.

The possibility of shifting the highway to the east in order to allow a wider turn radius from the campground access road onto SR-12 was also discussed. There would be some impacts to a wash crossing, and would require a coordination with the Army Corps of Engineers (ACOE). This option will be investigated further.

7. Stabilization of the roadway at the 90 degree turn immediately north of the Calf Creek Recreation Area (~RP 76.25); the existing jersey barrier at this location is not properly supported. This could be accomplished by rock removal and shifting the roadway east (away from the slope): no issues identified.
8. Reclamation or improvement of pseudo-pullouts (e.g. the pullout immediately north of the 90 degree turn that traps cars at ~RP 76.25): no issues identified
9. Stabilization of the roadway where the existing Jersey barrier is not properly supported (the approximately 1000' long section at ~RP 78). This could be accomplished by rock removal and shifting the roadway east (away from the slope).

Mike Nelson
Anasazi State Park
PO BOX 1453
Boulder, UT
84716

RE: Environmental Assessment
SR-12 Improvements – Escalante to Boulder, Utah
Utah Department of Transportation (UDOT)
State Project No. STP-0012(8)60E

January 3, 2007

Dear Resource Agency Representative:

The SR-12, Escalante to Boulder Environmental Study project team has begun developing a National Environmental Policy Act (NEPA) document that will assess impacts of potential improvements to SR-12 between Escalante and Boulder, Utah. You may recall that an early scoping meeting was held in this regard in Boulder, Utah in the Fall of 2004, before any specific improvements had been identified.

It has recently been determined, through an extensive public involvement and stakeholder agency consultation process, that UDOT will pursue a Title 23 right-of-way acquisition from the U.S. Bureau of Land Management (BLM). Under Title 23, which is the standard mechanism for highway right-of-way and the desired avenue for UDOT, Federal Highway Administration (FHWA) and the BLM. FHWA will serve as the lead agency for the project.

Since the initial scoping event, the project team has collected hundreds of comments from the public and interested agencies regarding solutions for SR-12, and generated several technical reports to document this process. The project team has assimilated these suggested solutions and prioritized them based on context and need. The attached list of improvements represent those that require environmental clearance, and which could be reasonably and foreseeably funded and implemented in the next 10 years. Some additional improvements that do not require environmental clearance may also be implemented, including better signing and striping, pavement treatments and traffic calming elements at speed transition zones.

We would like your comments and input regarding the proposed actions. Please feel free to respond in writing, or to call me at (801) 262-8700. A more formal comment period will take place during a public hearing in late Spring of 2007 when a Draft NEPA document is available for review. You may also find it useful and informative to visit the project website at: www.udot.utah.gov/sr-12

Thank you for your interest and attention to this important project.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Tyler Robirds', is written over a light blue rectangular background.

Tyler Robirds, P.E., Project Manager
H.W. Lochner

Encl: List of Proposed Actions
Project Map (8 1/2 x 11)

Cc: Monte Aldridge / UDOT Region 4
Carlos Muchado / FHWA

SCOPING STRATEGY

Initial Project Scoping (10/18-19/2004)

This early scoping event was conducted for the purpose of identifying general corridor resource issues, policies and values, to generally inform relevant resource agencies of the project concepts, and to kickoff the project environmental process. Resource Agency Invitees/Attendees included:

U.S. BLM/ GSENM – Director (Hunsaker)	Scenic SR-12 Byway Committee (Angus, et al)
U.S. BLM/ GSENM – (Sorenson/Chapman)	Anasazi State Park – Director (Nelson)
U.S. BLM/ GSENM – Planner (Wolf)	U.S. EPA – NEPA Coordinator (Lebow)
U.S. DA/NRCS – Conservationist (Gillen)	U.S. DA/USFS – Dixie NF (Schulkoski)
U.S. FWS – Field Ecologist (Herrmann)	U.S. Army COE – Reg. Chief (McNure)
U.S.G.S. – State Office (Lambert)	U.S. BOR – Reg. Director (Gold)
Utah DNR – Ex. Director (Morgan)	Utah DNR – Habitat Mgr. (Bonebrake)
Utah DNR – Parks Director (Tullius)	Utah DNR – Forestry Dir. (Buehler)
Utah DNR – Water Rights (Williamson)	Utah SITLA – Director (Brown)
Utah DEQ – Ex. Dir. (Nielson)	Utah Water Quality Div. – Mgr. (Rushing)
Utah Air Quality Div. – Dir. (Spratt)	Utah Div. of S&HW – Dir. (Downs)
Utah Div. of Parks – (Shakespeare)	State Historic Preservation Office (general)

Final Project Scoping (1/2007)

As the Environmental Assessment is now in preparation, final resource agency contacts were determined to be appropriate, for the purpose of residual scoping of resource issues. The reasons for this two-step process are twofold: specifics regarding the proposed actions are now more fully known and, approximately two years has passed since the initial scoping event. The agencies and individuals that should be re-contacted for this purpose include those agencies who have previously expressed interest or jurisdiction. These agencies (listed above) will receive an invitation to provide additional comment, in the form of a letter/information packet.

Identical copies of this letter were sent to the following:

Paul Chapman U.S. BLM/GSENM 190 E. Center Street Kanab, UT 84741	Mike Nelson Anasazi State Park P.O. Box 1453 Boulder, UT 84716
Sylvia Gillen U.S. DA/NRCS 125 S. State, Rm. 8301 Salt Lake, UT 84138	Deborah Lebow U.S. EPA 999 18 th Street, Ste. 300 Denver, CO 80202-2466
Gina Lampman U.S. DA/ USFS P.O. Box 246 Escalante, UT 84726	Jerry Chaney UDOT 4501 S. 2700 W. Salt Lake, UT 84104
Betsy Herrmann U.S. FWS 2369 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Edward Woolford FHWA 2520 W. 4700 S., Ste. A Salt Lake, UT 84118-1847
Patrick M. Lambert U.S.G.S 2329 W. Orton Circle, Ste. 50 West Valley City, UT 84119-2047	Randall Taylor UDOT 1345 S. 350 W. Richfield, UT 84701
Bruce Bonebrake Utah DNR P.O. Box 606 Cedar City, UT 84720-0606	Monte Aldridge UDOT 1345 S. 350 W. Richfield, UT 84701
Chuck Williamson Utah DNR P.O. Box 146300 Salt Lake, UT 84114-6300	Caroline Wright Resource Development Coord. Council P.O. Box 141103 Salt Lake, UT 84114-1103
Kevin Carter Utah Trust Lands 675 E. 500 S., Ste. 500 Salt Lake, UT 84102	Steve Roberts USACE 321 N. Mall Drive, Ste. L101 St. George, UT 84790-7310
Dianne Nielson Utah Dept. of Environmental Quality P.O. Box 144810 Salt Lake, UT 84114-4870	Rick Sprott Utah Division of Air Quality 150 S. 1950 W. Salt Lake, UT 84116
Tom Rushing Utah Division of Water Quality P.O. Box 144870 Salt Lake, UT 84114-4870	Aaron Farmer Utah State Parks and Recreation P.O. Box 180069 Cannonville, UT 84718



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Utah Geological Survey

RICHARD G. ALLIS, PH.D.
*State Geologist/
Division Director*

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

January 16, 2007

Josh C. Whiting
Montgomery Archaeological Consultants
322 East 100 South
P.O. Box 147
Moab UT 84532

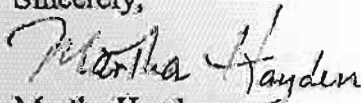
RE: Paleontological File Search and Recommendations for UDOT Project No. STP-0012(8)60E and H.W. Lochner's State Road 12 Improvement Project from Escalante to Boulder, Garfield County, Utah
U.C.A. 63-73-19 (Paleontological) Compliance; Request for Confirmation of Literature Search according to the UDOT/UGS Memorandum of Understanding.

Dear Josh:

I have conducted a paleontological file search for the State Road 12 Improvement Project in response to your fax of January 9, 2007. This project qualifies for treatment under the UDOT/UGS executed Memorandum of Understanding.

There are several known paleontological localities recorded in our files for this project area. These localities are significant vertebrate track sites from the Jurassic Kayenta and Navajo Formations, some of which occur in road cuts immediately adjacent to the highway. There is also a high potential for the discovery of additional vertebrate track sites in the Kayenta, Navajo, and Entrada Formations, as well as some potential for the discovery of vertebrate body fossils in the Kayenta Formation. The office of the State Paleontologist therefore recommends that this project be evaluated by a paleontologist in order to determine and mitigate any potential impacts to paleontological resources. Monitoring of any road construction where these units are exposed is also recommended. Since this project lies within Grand Staircase-Escalante National Monument, we also recommend that you contact GSENM Paleontologist Alan Titus (Alan.Titus@blm.gov) or (435) 644-4332. If you have any questions, please call me at (801) 537-3311.

Sincerely,


Martha Hayden
Paleontological Assistant

cc Alan Titus, GSENM Paleontologist



DEPARTMENT OF THE ARMY

SACRAMENTO DISTRICT, CORPS OF ENGINEERS

321 N Mall Drive L-101

St. George, Utah 84790

February 20, 2007

REPLY TO
ATTENTION OF:

St. George Regulatory Field Office

SUBJECT: Environmental Assessment
SR1-12 Improvements STP-0012(8)60E

Tyler Robirds
LOCHNER
310 East 4500 South, Suite 600
Salt Lake City, UT 84107

Dear Mr. Lochner,

Thank you for your letter dated February 12, 2007 requesting comments to a proposal from UDOT for improvements to SR-12, Escalante to Boulder, UT. Provided the alignment will not impact waters of the United States regulated by this office and as defined under 33 CFR part 328.3(a), this office has no comment on the project. If you have any concerns over jurisdictional waters or our permitting program I can be reached at steven.w.roberts@usace.army.mil or 435-986-3979. Thank you for the opportunity to review and comment.

Please be advised that performing work without a permit may subject the applicant to civil and/or criminal action, for violation of Section 404 of the Clean Water Act (33 U.S.C. 1344).

If you have any questions, please contact me at (435) 986-3979.

Sincerely,

Steve W. Roberts
Chief, St. George Regulatory Field Office
USACE

SR1-12 Improvements STP-0012(8)60E

Tyler Robirds
LOCHNER
310 East 4500 South, Suite 600
Salt Lake City, UT 84107

Dear Mr. Lochner,

Thank you for your letter dated February 12, 2007 requesting comments to a proposal from UDOT for improvements to SR-12, Escalante to Boulder, UT. Provided the alignment will



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

February 27, 2007

Utah Department of Transportation (UDOT)
Attention: Tyler Robirds, P.E., Project Manager
SR-12 Improvements – Escalante to Boulder, Utah
State Project No. STP-0012(8)60E

Dear Mr. Robirds:

The Utah Division of Water Quality staff has reviewed the referenced information and map. It is our opinion that applicable water quality standards may be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment load to Calf Creek or any adjacent waters during project activities and operation of the facilities. We strongly recommend that appropriate water quality parameters be monitored for effectiveness of sediment control and other applicable BMPs.

Potential impacts from runoff during construction or during long-term operation of the road may include the degradation of water quality, increased quantities and intensities of peak flows, channel erosion, flooding, and geomorphologic deterioration that may directly or indirectly cause an inability of streams to achieve ecological balance and retain their designated beneficial uses. Emphasis in design should avoid concentration of storm water to fewer drainage locations. The intent should be to allow or mimic the natural flow patterns to the degree possible.

The Division of Water Quality requests the following conditions be included in the Environmental Impact Statement (EIS), as follows:

1. Whenever an applicant causes the water turbidity in an adjacent surface water to increase by 10 NTU's or if there is any visible increase in turbidity as a direct result of the project, the applicant shall notify the Division of Water Quality.
2. The applicant shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt) or nutrients (e.g., phosphate rock) into the receiving water.
3. Applicant shall protect any potentially affected fish spawning areas.

4. Apply for a stream alteration permit from Utah Division of Water Rights.
5. The following permits from our Division are required during the construction phase of the project:
 - a. Construction activities that grade one acre or more per common plan are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTR100000. The permit requires the development of a storm water pollution prevention plan to be implemented and updated from the commencement of any grading activities at the site until final stabilization of the project. A fact sheet describing the permit requirements and application procedures is located on our web site waterquality.utah.gov.
 - b. Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site.
6. In addition to these permitting requirements, the Division of Water Quality requires the submission of plan elements for permanent storm water runoff control and treatment. The plan should include BMPs that will include the replacement of disturbed vegetation with native plants and a buffer strip along the road to filter petroleum, sediments and other contaminants from entering waters of the State.

Thank you for the opportunity to partner with UDOT on this project. If you have any questions, please contact Shelly Quick at (801) 538-6516.



U.S. Department
Of Transportation
**Federal Highway
Administration**

*Statewide
programmatic
agr.*

Utah Division
2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

June 12, 2007

File: Section 4(f) *De Minimis*

Mr. Wilson Martin
State Historic Preservation Officer
Division of State History
300 South Rio Grande Street
Salt Lake City, Utah 84101

Subject: Section 4(f) De Minimis Determination; Pursuant to SAFETEA-LU Section 6009
In Conjunction with Section 106 Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the Utah State Historic Preservation Officer, and the Utah Department of Transportation

Dear Mr. Martin:

This letter was prepared in response to the FHWA December 13, 2005 Guidance regarding Section 6009 (a) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (SAFETEA-LU) Act Pub. L. 109-59. Section 6009 allows increased flexibility with respect to minor transportation impacts to Section 4(f) properties, including historic properties. It simplifies the processing and approval of federally funded transportation projects that have a *de minimis* impact on lands protected by Section 4(f). For historic properties, a finding of *de minimis* impact on a historic site may be made by the FHWA when Section 106 consultation results in the *written* concurrence of the SHPO with the determination of "no adverse effect" or "no historic properties affected".

Public Law 109-59 (SAFETEA-LU) has no new Section 106 implications other than the requirement for written SHPO concurrence with Section 106 findings of effect for individual Section 4(f) properties. It does require FHWA to notify the SHPO of FHWA's intent to utilize the finding of "no historic properties affected" or "no adverse effect" for individual Section 4(f) properties as a basis for making a Section 4(f) *de minimis* use finding.

The December Guidance offers two specific points of relevant direction:

Question B. How should the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 determination, be documented when the concurrence will be the basis for a *de minimis* finding?

Answer: Section 4(f) requires that the SHPO and /or THPO, and ACHP if participating, must concur in writing in the Section 106 determination of "no adverse effect" or "no historic properties affected." The request for concurrence in the Section 106 determination should include a statement informing the SHPO or THPO, and ACHP if participating, that the FHWA or FTA intends to make a *de minimis* finding based upon their concurrence in the Section 106 determination.

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Under the Section 106 regulation, concurrence by a SHPO and/or THPO may be assumed if they do not respond within a specified timeframe, but Section 4(f) explicitly requires their written concurrence. It is recommended that transportation officials share this guidance with the SHPOs and THPOs in their States so that these officials fully understand the implication of their concurrence in the Section 106 determinations and the reason for requesting written concurrence.

Question C. Certain Section 106 programmatic agreements (PAs) allow the lead agency to assume the concurrence of the SHPO and/or THPO in the determination of "no adverse effect" or "no historic properties affected" if response to a request for concurrence is not received within a period of time specified in the PA. Does such concurrence through non-response, in accordance with a written and signed Section 106 PA, constitute the "written concurrence" needed to make a *de minimis* finding?

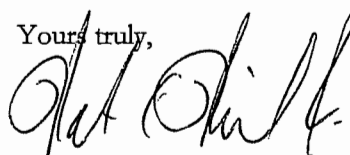
Answer: In accordance with the provisions of a written and signed programmatic agreement, if the SHPO and/or THPO does not respond to a request for concurrence in the Section 106 determination within the specified time, the non-response together with the written agreement, will be considered written concurrence in the Section 106 determination that will be the basis of the *de minimis* finding by FHWA or FTA.

FHWA or FTA must inform the SHPOs and THPOs who are parties to such PAs, in writing, that a non-response that would be treated as a concurrence in a "no adverse effect" or "no historic properties affected" determination will also be treated as the written concurrence for purposes of the FHWA or FTA *de minimis* use finding. It is recommended that this understanding of the parties be documented by either appending the written notice to the existing PA, or by amending the PA itself.

According to 2005 Guidance, by transmittal of this letter, the FHWA is notifying your office of FHWA's intent to make the Section 4(f) *de minimis* use finding for properties where a determination of no historic properties affected (no effect), or no adverse effect have been concurred in by your office or when your office has not replied within the appropriate timeframe with written concurrence.

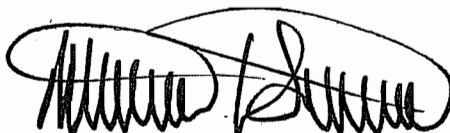
By the following signature, the SHPO acknowledges it has been notified of the intent of the FHWA to make a *de minimis* finding based on Section 106 determinations of effect for specific properties.

Yours truly,



Walter Waidelich
Division Administrator

Concurrence: _____



~~Wilson Martin~~, State Historic Preservation Officer

7/19/07

Date

**Matthew T. Seddon, RPA
Deputy State Historic
Preservation Officer**



State of Utah

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Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

04-1201

October 4, 2007

Dr. Matthew Seddon
Deputy State Historic Preservation Officer
Utah Division of State History
300 Rio Grande
Salt Lake City, UT 84101-1182

Subject: Project #STP-0012(8)60E
SR-12; Escalante to Boulder
Determination of Adverse Effect

Dear Dr. Seddon:

In cooperation with the Federal Highway Administration (FHWA), the Utah Department of Transportation (UDOT), is proposing to make improvements at several locations along SR-12 between Escalante and Boulder, Utah. The project involved includes the following:

1. Right-of-way federal lands transfer (MP 68.9 to 83.1);
2. Calf Creek Bridge Replacement (MP 74.5),
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7),
4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0),
5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0.

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470 et seq., and Utah Code Annotated (U.C.A.) § 9-8-404, the FHWA, in partnership with the UDOT, has taken into account the effects of this undertaking on historic properties, and has afforded the USHPO an opportunity to comment on the undertaking. Please review this letter and, providing you agree with the finding contained herein, sign and date the signature line at the end of this letter.

The project area is located in Garfield County, between MP 64 and MP 84, on lands administered by the Grand Staircase-Escalante National Monument, (managed by the Bureau of Land Management (BLM)), and the School and Institutional Trust Lands Administration (SITLA). The legal description for the entire project area is Township 34 South, Range 4 East, Sections 3, 13, 14, 24, 25, and 31; Township 35 South, Range 3 East, Sections 25, 26, 35, and 36; Township 35 South, Range 4 East, Sections 1, 12, 14, 21, 22, 23, and 27.

Received
OCT 29 2007
USHPO

Cedar City District, 1470 North Airport Road, Cedar City, UT 84721-1009
telephone 435-865-5500 | facsimile 435-865-5564 | www.udot.utah.gov

An Environmental Assessment (EA) was initiated in 2005 to evaluate the potential impacts of the proposed projects. At that time, the area of potential effects (APE) included the entire right-of-way corridor between Escalante and Boulder, Utah. Since that time, specific projects and project locations have been identified and the APE has been adjusted to address the identified project locations. In consideration of both direct and indirect effects, the APE for the project is defined as the area within a 400' corridor, 200' off the centerline, and 100' from the beginning and terminus of each project segment. For the sake of consistency and simplicity, the APE is the same for each project segment.

Consultation

Native American consultation was initiated by sending letters requesting information on any historic properties of traditional religious and/or cultural importance and notification of interest in being a consulting party on the project. Letters were sent to the Paiute Indian Tribe of Utah, the Kanosh and Kaibab Bands of Paiute Indians, the Hopi Tribe, and the Bureau of Indian Affairs (BIA) on April 5, 2005. The Paiute Indian Tribe responded to this letter on April 29, 2005 requesting to be included as a consulting party.

A letter identifying the specific projects and their locations was sent by the FHWA on January 17, 2007 to the tribes listed above, with the exception of the BIA. The Hopi Tribe responded January 30, 2007 and also requested to be included in consultation for this project. Draft cultural resource reports were sent to all of the tribes listed above on August 9, 2007 for their review. The Hopi Tribe again responded, requesting that if NRHP eligible sites cannot be avoided to provide them with a copy of the draft treatment plan. When the draft treatment plan or draft MOA becomes available, a copy will be sent to their office for review.

Associated government agencies notified include the Bureau of Land Management (BLM), the Dixie National Forest (DNF), and the School and Institutional Trust Lands Administration (SITLA). Initial project notification letters were sent April 5, 2005. After the project APE had been reduced to the project specific locations, it was noted that the lands administered by the DNF were no longer included, therefore subsequent correspondence continued with the BLM and SITLA only. Because the majority of land occurs on BLM administered lands, and specifically sites which may be impacted by the project, a copy of the Class I report completed in 2005 was sent to the BLM archaeologist on February 20, 2007. Draft cultural resource reports were sent to the BLM and SITLA on August 9, 2007.

Archaeological Resources – Determination of Eligibility

At the initial stages of the EA, Montgomery Archaeological Consultants (MOAC) completed a Class I existing data review in March 2005. The Class I search included the entire right-of-way corridor between Escalante and Boulder and resulted in the identification of 30 previous cultural resource inventories and 132 previously documented sites within the project area (see "Class I Existing Data Review of the State Road 12 Improvement Project From Escalante to Boulder, Garfield County, Utah").

Once the individual projects were identified, a Class III cultural resource inventory was requested and again completed by MOAC. For this investigation, a records search was conducted February 21 and 22, 2005 at the Antiquities Section of the Utah State Division of History. Fieldwork was conducted between April 20 and May 15, 2007 by Keith Montgomery (Project Director), Josh C. Whiting (Field Supervisor), and Roger Stash. All work was completed under the auspices of U.S.D.I. (FLPMA) Permit No. 07-UT-60122, State of Utah Public Lands Policy Archaeological Survey Permit No. 117, and State of Utah Antiquities Permit (Survey) No. U-07-MQ-0381bs.

An intensive pedestrian survey (100% coverage) was performed for this project along the 14 proposed SR-12 improvement areas. The project area includes 14 discontinuous improvement sections between MP 64 and MP 84. The inventory width varied between 50 ft and 450 ft off the centerline, depending on the improvement proposed for each of the 14 sections. A total of 50.2 acres were inventoried for cultural and fossil resources, of which 46.7 acres occur on public lands administered by the BLM and 3.5 acres occur on SITLA property.

The cultural resource inventory resulted in the relocation of one previously recorded archaeological site (42Ga5647), and the documentation of 15 new sites (42Ga6077 through 42Ga6091). Of the 16 total sites identified within the APE, 11 have been determined to be eligible for nomination to the National Register of Historic Places (NRHP)(see Table 1). A copy of the resulting report is enclosed for your review.

Table 1. Cultural resource sites identified

Site	Recorded	Description	Eligibility	Effect
42Ga5647	previous	Prehistoric Lithic Scatter	Eligible, Criterion D	Adverse Effect
42Ga6077	new	Prehistoric Temporary Camp	Eligible, Criterion D	No Effect
42Ga6078	new	Prehistoric Temporary Camp	Eligible, Criterion D	No Effect
42Ga6079	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6080	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6081	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6082	new	Prehistoric Rock Art	Eligible, Criteria C & D	No Effect
42Ga6083	new	Calf Creek Bridge Remnants	Not Eligible	No Effect
42Ga6084	new	Prehistoric Surface Quarry	Not Eligible	No Effect
42Ga6085	new	Prehistoric Surface Quarry	Not Eligible	No Effect
42Ga6086	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6087	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6088	new	Prehistoric Lithic Scatter	Eligible, Criterion D	No Effect
42Ga6089	new	Historic Power/Telephone Line	Not Eligible	No Effect
42Ga6090	new	SR-12 Road Segments & Features	Not Eligible	No Effect
42Ga6091	new	Escalante to Boulder Road Segments & Features	Eligible, Criteria A & C	No Adverse Effect

Finding of Effect

Under the preferred alternative, sites 42Ga6077 through 42Ga6090 will not be impacted by the project as the sites are either considered ineligible for the NRHP or will be avoided during construction activities. For NRHP eligible sites within the project APE where construction activities will take place within 50 feet of the site (42Ga6077 - 42Ga6081 & 42Ga6086 - 42Ga6088), temporary environmental fencing will be constructed to aid in the avoidance of the site.

Site 42Ga6091 is what remains of the Escalante to Boulder road. The site consists of 12 features, including two discontinuous and abandoned road segments, three wet and/or dry laid rock retaining walls, two galvanized steel culverts, and six hand dug drainage features. Historic records indicate that the Escalante to Boulder road was constructed by the Civilian Conservation Corps (CCC) between 1934 and 1940. The road provided the first year round, automobile accessible route between Escalante and Boulder. The site is determined to be eligible for the NRHP under Criterion A and C.

Between MP 77.5 and 77.7, the preferred alternative would be to construct barrier stabilization as the existing concrete barrier is deficient and the pavement has sloughed off under the unsupported barrier. The roadway in this location is narrow with Feature F occurring on the west side of the road and Features G through K on the east side of the road. Feature F is a wet-laid, N-S trending cobble rock retaining wall, located immediately below and west of an existing concrete slab barrier along SR-12 (Exhibit A).

Features G through K are hand cut drainage ditches located on a moderately steep west facing sandstone bedrock and cobble/boulder covered slope along the eastern margin of SR-12 (Exhibit B). The ditches served to capture and direct water off the slope, over a vertical road cut present along the eastern margin of SR-12, and west through culverts running E-W under SR-12. The sections of ditch range from 45' in length to 160'. To support a new barrier along the west side of the road, it would be necessary to widen the roadway to the east. This would be accomplished by removing rock through blasting and ripping with heavy equipment. Consequently, sections of Features G through K would be removed in the process with impacts to each feature ranging from 5 to 20 feet.

A total of 55 to 60 feet of ditch would be removed under the preferred alternative (see Table 2). Since the impact to the site as a whole would be minimal and will not alter the characteristics which qualify the property for inclusion in the NRHP as defined in 36 CFR 800.5(a)(1), the UDOT has made a determination of **No Adverse Effect** for site 42Ga6091.

Table 2. Affected Cultural Resources

Site	Feature	Approx. Total Length (ft.)	Approx. Affected Area (ft.)	NRHP Eligibility
42Ga6091	H	160	20	Criterion A & C
	I	120	15	Criterion A & C
	J	160	15	Criterion A & C
	K	170	5-10	Criterion A & C
42Ga5647	-	-	57,754 sq/ft	Criterion D

Site 42Ga5647 is a large, dispersed lithic scatter located on either side of SR-12 on the southern end of New Home Bench. The site is recommended as eligible to the NRHP under Criterion D because it is likely to yield information important to the prehistory of the area.

Under the preferred alternative, a slow vehicle turnout would be constructed at this location. Site distance at this location does not safely allow for passing by crossing the centerline, therefore a turnout would allow a safe alternative for cars to pass. The turnout would consist of an additional 12' lane with a 4' shoulder, 600' in length. The site runs roughly southeast to northwest in

length, with SR-12 currently running along the northeast edge of the site. The turnout would be constructed on the eastbound side of the highway and has the potential to affect an additional 1.3 acres of the site. A significant portion of the site will be impacted by construction activities, likely affecting the integrity of the site. Therefore, the UDOT has determined the preferred alternative would have an **Adverse Effect** on site 42Ga5647.

UDOT and the consulting parties will continue to work towards resolution of adverse effects. If the adverse effects cannot be avoided, additional measures will be explored during design to minimize the impacts. A Memorandum of Agreement (MOA) will be executed that stipulates how the adverse effects will be resolved. Proposed mitigation measures will likely include data recovery of site 42Ga5647.

Paleontology

At the request of MOAC, Martha Hayden of the Utah Geological Survey conducted a paleontological file search on January 16, 2007. The consultation indicated that several significant invertebrate track sites from the Jurassic Kayenta and Navajo Formations have been recorded in the project area, some of which occur in road cuts immediately adjacent to SR-12. In addition, there is a high potential for the discovery of additional track sites in Kayenta, Navajo, and Entrada Formations, as well as some potential for the discovery of vertebrate body fossils in the Kayenta Formation. Alden Hamblin conducted a paleontological survey on June 12, 2007; resulting in the location of no new paleontological localities. It was recommended by both Ms. Hayden and Mr. Hamblin that a paleontologist be available to monitor construction activities.

Summary

A preliminary Class I existing data review of the SR-12 corridor between Escalante and Boulder, Utah identified 30 previous surveys and 132 previously recorded archaeological sites. The APE was later revised to include the 14 proposed project areas when individual projects were identified. MOAC conducted a Class III cultural resource investigation which resulted in the identification of 1 previously recorded site and the documentation of 15 new sites. Of those 16 sites, 11 have been determined to be eligible for the NRHP.

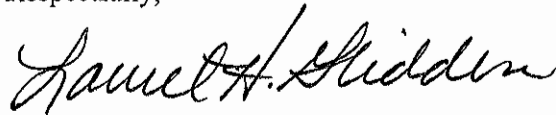
Under the preferred alternative, site 42Ga6091, the Escalante to Boulder road, would be affected by widening the road near the location of Features G through K. Features G through K are hand cut drainage ditches constructed by the CCC as a part of the original Escalante to Boulder road. However, since relatively small portions of the ditches will be removed, the actions would not affect the integrity or criteria which make the site eligible for the NRHP, thus the UDOT has made a determination of No Adverse Effect for site 42Ga6091.

Site 42Ga5647 is considered eligible for the NRHP under Criteria D. If the preferred alternative were selected, it would affect the northeast corner of the site, resulting in an Adverse Effect to the site. If it is determined that an adverse effect to the site is unavoidable, preconstruction mitigation of the adverse effects would likely include data recovery of the portion of the site that will be impacted. A MOA will be executed that stipulates how the adverse effects will be resolved.

Based on the determination of eligibility and under consideration of the potential impacts to historic properties, the UDOT has determined that the proposed project will have an **Adverse Effect** on historic properties.

Thank you for your efforts regarding this project, and if you have any questions, please feel free to contact me at (435) 865-5562 or lglidden@utah.gov.

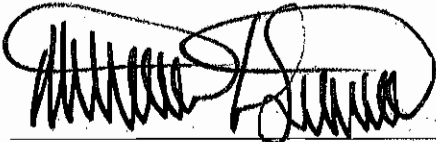
Respectfully,



Laurel H. Glidden, NEPA/NHPA Specialist
UDOT Region 4 Environmental

cc: Monte Aldridge/UDOT
Andrea Clayton/H.W. Lochner
Brenda Redwing/FHWA
Elizabeth Skinner/UDOT
Randall Taylor/UDOT

I concur with the finding of adverse affect for the preferred alternative for UDOT Project no. Project #STP-0012(8)60E, SR-12; Escalante to Boulder, and that the FHWA and UDOT have taken into account effects of the undertaking upon historic and archaeological resources in accordance with Section 106 and U.C.A. 9-8-404.



Dr. Matthew Seddon, Deputy SHPO

11/8/07

Date



State of Utah

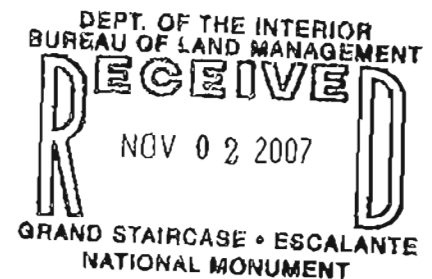
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DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director



October 30, 2007

Mr. Paul Chapman
Project Manager
Grand Staircase-Escalante National Monument
190 E Center Street
Kanab, UT 84741

Subject: UDOT Project No. STP-0012(8)60E, SR-12 Escalante to Boulder
Section 4(f) *De Minimis* Impacts Finding Concurrence Request

Dear Mr. Chapman:

The purpose of this letter is to request your concurrence with the Utah Department of Transportation's (UDOT's) recommendation that, pursuant to Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the associated FHWA guidance dated December 13, 2005, a Section 4(f) *de minimis* impact finding is appropriate for the Grand Staircase-Escalante National Monument (GSENM) affected by the subject project.

Correspondence regarding this matter was originally sent on April 16, 2007, with BLM concurrence on April 27, 2007. FHWA made a *de minimis* impact determination for the GSENM on July 24, 2007. Copies of this correspondence are enclosed. The original correspondence was in error stating that Hole-in-the-Rock Road is outside the Monument. It further stated impacts from the proposed intersection at this location are not considered a Section 4(f) use. Because GSENM is a Section 4(f) property and Hole-in-the-Rock road is actually inside the Monument, impacts must be considered a Section 4(f) use. The intent of this letter is to rectify that error and request concurrence that a Section 4(f) *de minimis* impact finding is still appropriate for the GSENM. This letter supersedes the original correspondence.

This project is being funded, in part, with federal funds administered by the Federal Highway Administration (FHWA). The project involves the following improvements which form the proposed action:

1. Right-of-way federal land transfer (MP 68.9 to 83.1),
2. Calf Creek Bridge replacement (MP 74.5),
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7),

4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0),
5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0.
7. Improved signing (for bicycles, animal presence, and roadside hazards)

Section 4(f) applies to any significant publicly owned public park, recreation area, or wildlife and waterfowl refuge and any land from an historic site of national, state or local significance. The Section 4(f) resource affected by this project is the Grand Staircase-Escalante National Monument (GSENM). The Bureau of Land Management (BLM) manages approximately 1,870,800 acres of public lands within the GSENM to protect Monument resources (archaeological, historic, biological, paleontological, and geologic), facilitate scientific research activities, and accommodate recreation.

Preliminary engineering has progressed since the original correspondence was sent; updated impacts are provided in the table below. The impacts to the Monument from the proposed action consist of the following:

No.	Proposed Improvement	Location	MP	Acres perm. impact	Acres temp. impact
1	Title 23 right-of-way federal land transfer, generally for a 100-foot half width from centerline of existing SR-12 (200-foot total width), with selected areas where additional width is requested for existing roadway prism.	Corridor from Head of the Rocks to the Forest Service Boundary	68.9 to 83.1	346	N/A
	Title 23 right-of-way federal land transfer for stockpile sites	Previously disturbed area near radio tower	69	14.9	N/A
		Previously disturbed asphalt mixing pad on New Home Bench	79.8	0.7	N/A
		Previously disturbed stockpile area on New Home Bench	82.1	5.5	N/A
		Previously disturbed area on New Home Bench	82.9	4.6	N/A
2	Construction of a new box culvert and wingwalls at the Calf Creek crossing, realignment of 300 feet of	Calf Creek crossing	74.5	0.26	0.34

	Calf Creek, and placement of riprap in the Creek for scour protection.				
3	Rock removal or retaining wall construction to stabilize the existing roadway and/or roadside. Rock removal will allow the roadway to be shifted to the east away from Calf Creek Canyon, providing the width necessary to properly support the pavement section and barrier.	Rock removal at location where W-beam guardrail is currently supporting embankment	74.8	0.27	0.31
		Sharp curve immediately north of Calf Creek Recreation Area where barrier is not properly supported	75.4		
		Option 1: rock removal		0.14	0.18
		Option 2: wall		0.04	0.31
		Rock removal at location where jersey barrier is not properly supported	77.5-77.7	0.60	0.67
4	Construction of 12-foot slow vehicle turnouts with 4-foot shoulders. Turnout length will vary by location and is a function of posted speed limit and grade.	Westbound (north of Head of the Rocks overlook)	69.0	1.97	1.0
		Westbound (west of Spencer Flats Road)	69.9	0.51	0.28
		Eastbound (south end of the Camelbacks)	71.7	0.49	0.28
		Westbound (south of Boynton Overlook)	72.5	0.55	0.28
		Eastbound	76.2	0.26	0.16
		Eastbound (south end of New Home Bench)	79.5	0.48	0.28
		Westbound (south of Hell's Backbone Road)	83.0	0.47	0.28
5	Construction of a 12-foot median left turn pocket and 12-foot right hand turn pocket with 4-foot shoulders.	Hole-in-the-Rock Road	64.4	5.22	2.46
		Calf Creek Recreation Area intersection	75.0	2.40	0.86
6	Rock removal for curve widening	the "Tank"	71.0	0.31	0.49
7	Improve signing	Locations to be determined during development of signing plan		negligible	

Avoidance, minimization, and mitigation measures have been considered in development of the proposed action. Avoidance is not applicable; SR-12 is an existing highway within the GSENM. The proposed improvements, with the exception of slow vehicle turnouts, are at spot locations where deficiencies have been identified. The proposed slow vehicle turnouts have been located to avoid resources (trailheads and Wilderness Study Areas) and minimize impacts (extensive earthwork).

Minimization has also been incorporated where practicable. The requested 200-foot wide right-of-way corridor is the minimum UDOT needs to maintain this facility. The proposed typical section for spot improvements includes 4-foot shoulders, the minimum desirable width for safety and maintenance. The 4-foot shoulders will require a design exception to be approved by UDOT and FHWA. Slow vehicle turnouts are proposed instead of full length passing lanes in order to minimize the length.

The proposed action would result in improved safety and an enhanced visual experience for Monument users. Proposed mitigation measures include aesthetic barrier treatments in areas where existing concrete Jersey barrier will be replaced.

The transportation use of the Monument, as summarized above, does not adversely affect any of the activities, features, and attributes that qualify this Monument for protection under Section 4(f). Maintaining SR-12 as the primary transportation corridor through the Monument protects other resources by reducing the need for alternative transportation routes. The proposed improvements are located primarily on open land; no public facilities, gathering spaces, trailheads, or Wilderness Study Areas (WSAs) would be negatively impacted. Safety and access would be improved at the following locations:

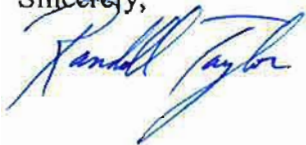
- Hole-in-the-Rock Road intersection and Wayside
- Head of the Rocks Wayside
- Calf Creek Recreation Area.

The public has been afforded an opportunity to review and comment on this project, including its effects on the Monument property. Public input regarding the project has been solicited through public meetings, a project website, presentations to the Boulder Town Council and Escalante City Council, media outreach, and a Context Sensitive Committee. In addition, the *de minimis* summary will be available for review and comment during the public hearing and comment period to be held for the Environmental Assessment.

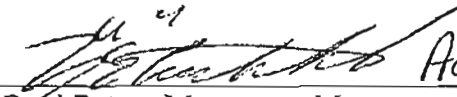
FHWA intends, with your written concurrence, to make a Section 4(f) *de minimis* impact finding. We would appreciate your review of the proposed action and potential impacts summarized in this letter. We would then appreciate your concurrence with our determination that the subject project does not adversely affect activities, features, and attributes that qualify this Monument for protection under Section 4(f) and our recommendation that a Section 4(f) *de minimis* impact finding is appropriate.

Should you have questions concerning this matter, please contact Randall Taylor at (435) 893-4714 or (randalltaylor@utah.gov).

Sincerely,



Randall Taylor
UDOT Region 4 Environmental Engineer

Concurrence:  Acting Date 6 Nov 07
Brad Exton, Monument Manager
Grand Staircase-Escalante National Monument
Bureau of Land Management

Enclosure

cc: File

Monte Aldridge, UDOT Region 4 Project Manager
Laurel Glidden, UDOT Region 4 NEPA/NHPA Specialist
Nancy Jerome, UDOT Region 4 ROW Engineer
Elizabeth (Betsy) Skinner, UDOT Environmental Manager; Calvin Rampton
Complex
Andrea Clayton, H.W. Lochner, Inc.; 310 East 4500 South, Suite 600; Murray, UT
84107



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

November 20, 2007

Mr. Walter Waidelich
Division Administrator
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1880

Subject: UDOT Project No. STP-0012(8)60E, SR-12 Escalante to Boulder
Section 4(f) *De Minimis* Impacts Finding Concurrence Request

Dear Mr. Waidelich:

The purpose of this letter is to request your concurrence with the Utah Department of Transportation's (UDOT's) recommendation that, pursuant to Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the associated FHWA guidance dated December 13, 2005, a Section 4(f) *de minimis* impact finding is appropriate for the Grand Staircase-Escalante National Monument affected by the subject project.

Correspondence regarding this matter was originally sent to BLM and after their concurrence FHWA made a *de minimis* impact determination for the GSENM on July 24, 2007. Copies of this correspondence is attached. The original correspondence was in error stating that Hole-in-the-Rock Road is outside the Monument. It further stated impacts from the proposed intersection at this location are not considered a Section 4(f) use. Because GSENM is a Section 4(f) property and Hole-in-the-Rock road is actually inside the Monument, impacts must be considered a Section 4(f) use. The intent of this letter is to rectify that error and request concurrence that a Section 4(f) *de minimis* impact finding is still appropriate for the GSENM. This letter supersedes the original correspondence.

This project is being funded, in part, with federal funds administered by the Federal Highway Administration (FHWA). The project involves the following improvements which form the proposed action:

1. Right-of-way federal land transfer (MP 68.9 to 83.1),
2. Calf Creek Bridge replacement (MP 74.5),
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7),
4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0),

5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0.
7. Improved signing (for bicycles, animal presence, and roadside hazards)

Section 4(f) applies to any significant publicly owned public park, recreation area, or wildlife and waterfowl refuge and any land from an historic site of national, state or local significance. The Section 4(f) resource affected by this project is the Grand Staircase-Escalante National Monument (GSENM). The Bureau of Land Management (BLM) manages approximately 1,870,800 acres of public lands within the GSENM to protect Monument resources (archaeological, historic, biological, paleontological, and geologic), facilitate scientific research activities, and accommodate recreation.

Preliminary engineering has progressed since the original correspondence was sent; updated impacts are provided in the table below. The impacts to the Monument from the proposed action consist of the following:

No.	Proposed Improvement	Location	MP	Acres perm. impact	Acres temp. impact
1	Title 23 right-of-way federal land transfer, generally for a 100-foot half width from centerline of existing SR-12 (200-foot total width), with selected areas where additional width is requested for existing roadway prism.	Corridor from Head of the Rocks to the Forest Service Boundary	68.9 to 83.1	346	N/A
		Previously disturbed area near radio tower	69	14.9	N/A
	Title 23 right-of-way federal land transfer for stockpile sites	Previously disturbed asphalt mixing pad on New Home Bench	79.8	0.7	N/A
		Previously disturbed stockpile area on New Home Bench	82.1	5.5	N/A
		Previously disturbed area on New Home Bench	82.9	4.6	N/A
2	Construction of a new box culvert and wingwalls at the Calf Creek crossing, realignment of 300 feet of Calf Creek, and placement of riprap in the Creek for	Calf Creek crossing	74.5	0.26	0.34

	scour protection.				
3	Rock removal or retaining wall construction to stabilize the existing roadway and/or roadside. Rock removal will allow the roadway to be shifted to the east away from Calf Creek Canyon, providing the width necessary to properly support the pavement section and barrier.	Rock removal at location where W-beam guardrail is currently supporting embankment	74.8	0.27	0.31
		Sharp curve immediately north of Calf Creek Recreation Area where barrier is not properly supported	75.4		
		Option 1: rock removal		0.14	0.18
		Option 2: wall		0.04	0.31
		Rock removal at location where jersey barrier is not properly supported	77.5-77.7	0.60	0.67
4	Construction of 12-foot slow vehicle turnouts with 4-foot shoulders. Turnout length will vary by location and is a function of posted speed limit and grade.	Westbound (north of Head of the Rocks overlook)	69.0	1.97	1.0
		Westbound (west of Spencer Flats Road)	69.9	0.51	0.28
		Eastbound (south end of the Camelbacks)	71.7	0.49	0.28
		Westbound (south of Boynton Overlook)	72.5	0.55	0.28
		Eastbound	76.2	0.26	0.16
		Eastbound (south end of New Home Bench)	79.5	0.48	0.28
		Westbound (south of Hell's Backbone Road)	83.0	0.47	0.28
5	Construction of a 12-foot median left turn pocket and 12-foot right hand turn pocket with 4-foot shoulders.	Hole-in-the-Rock Road	64.4	5.22	2.46
		Calf Creek Recreation Area intersection	75.0	2.40	0.86
6	Rock removal for curve widening	the "Tank"	71.0	0.31	0.49
7	Improve signing	Locations to be determined during development of signing plan		negligible	

Avoidance, minimization, and mitigation measures have been considered in development of the proposed action. Avoidance is not applicable; SR-12 is an existing highway within the GSENM. The proposed improvements, with the exception of slow vehicle turnouts, are at spot locations where deficiencies have been identified. The proposed slow vehicle turnouts have been located to avoid resources (trailheads and Wilderness Study Areas) and minimize impacts (extensive earthwork).

Minimization has also been incorporated where practicable. The requested 200-foot wide right-of-way corridor is the minimum UDOT needs to maintain this facility. The proposed typical section for spot improvements includes 4-foot shoulders, the minimum desirable width for safety and maintenance. The 4-foot shoulders will require a design exception to be approved by UDOT and FHWA. Slow vehicle turnouts are proposed instead of full length passing lanes in order to minimize the length.

The proposed action would result in improved safety and an enhanced visual experience for Monument users. Proposed mitigation measures include aesthetic barrier treatments in areas where existing concrete Jersey barrier will be replaced.

The transportation use of the Monument, as summarized above, does not adversely affect any of the activities, features, and attributes that qualify this Monument for protection under Section 4(f). The proposed improvements are located primarily on open land; no public facilities, gathering spaces, trailheads, or Wilderness Study Areas (WSAs) would be negatively impacted. Safety and access would be improved at the following locations:

- Hole-in-the-Rock Road intersection and Wayside
- Head of the Rocks Wayside
- Calf Creek Recreation Area.

Larry Crutchfield, acting Monument Manager, who has jurisdiction over the Monument, has been consulted and informed of FHWA's intent to make a Section 4(f) *de minimis* impact finding based on Mr. Crutchfield's written concurrence that the project will not adversely affect the activities, features, and attributes that qualify this Monument for protection under Section 4(f) (see attached October 30, 2007 BLM letter signed on November 6, 2007 for concurrence). This letter also indicates that the public has been afforded an opportunity to review and comment on this project, including its effects on the Monument property. Public input regarding the project has been solicited through public meetings, a project website, presentations to the Boulder Town Council and Escalante City Council, media outreach, and a Context Sensitive Committee. In addition, the *de minimis* summary will be available for review and comment during the public comment period to be held for the Environmental Assessment.

Based on the foregoing analysis, it is UDOT's recommendation that a Section 4(f) *de minimis* impact finding be approved by FHWA for the Grand Staircase-Escalante National Monument affected by this project.

Should you have questions concerning this matter, please contact Randall Taylor at (435) 893-4714 or (randalltaylor@utah.gov).

Sincerely,

A handwritten signature in dark ink, appearing to read "Randall Taylor", written over a horizontal line.

Randall Taylor

UDOT Region 4 Environmental Engineer

Concurrence:  Date 11/29/07
Walter Waidelich, Division Administrator
Federal Highway Administration

Attachments (2)

cc: File

Carlos Machado, FHWA Program Manager
Monte Aldridge, UDOT Region 4 Project Manager
Laurel Glidden, UDOT Region 4 NEPA/NHPA Specialist
Nancy Jerome, UDOT Region 4 ROW Engineer
Elizabeth (Betsy) Skinner, UDOT Environmental Manager; Calvin Rampton
Complex
Paul Chapman, BLM Grand Staircase-Escalante National Monument, Project
Manager; 190 E Center Street, Kanab, UT 84741
Andrea Clayton, H.W. Lochner, Inc.; 310 East 4500 South, Suite 600; Murray, UT
84107

Clayton, Andrea

From: Clayton, Andrea
Sent: Monday, March 17, 2008 4:58 PM
To: Carlos Machado
Cc: Betsy Skinner; Randall Taylor; Brenda Redwing; Jones, Laynee
Subject: SR-12 Escalante to Boulder EA: Section 4(f) de minimis finding
Attachments: FHWA_DeMinimis_Finding.pdf

Carlos,

This email is to document a change to the proposed action for the SR-12 Escalante to Boulder Environmental Assessment in relation to the Section 4(f) *de minimis* impact finding. UDOT recommended that a Section 4(f) *de minimis* finding be approved by FHWA for the Grand Staircase-Escalante National Monument in a letter from Randall Taylor to Walter Waidelich dated November 20, 2007 (attached). FHWA concurred with the *de minimis* finding on November 29, 2007.

Subsequent to FHWA concurrence, the following items have been removed from the proposed action:

1. Title 23 right-of-way federal land transfer for three stockpile sites at MP 69.0, MP 79.8, and MP 82.9
2. Construction of westbound slow vehicle turnout at MP 69.0

It is our understanding that the *de minimis* finding still applies for this project because the impact to the Grand Staircase-Escalante National Monument will be less than what is documented in the attached concurrence letter. Therefore, we will not be sending out a revised *de minimis* concurrence letter. Please do not hesitate to contact me if you have any questions or comments.

Thank you,

Andrea Clayton, P.E.

LOCHNER

310 East 4500 South, Suite 600

Salt Lake City, UT 84107

p: (801) 262-8700

f: (801) 262-8885

AClayton@HWLochner.com

www.HWLochner.com



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

December 10, 2007

Regulatory Branch (SPK-2007-00590-SG)

H.W. Lochner
310 E. 400 S. Suite 600
Murray, UT 84107

Gentlemen:

We are responding to your consultant's request for an approved jurisdictional determination for the SR-12 Roadway Improvement project site near Escalante, Utah. This project begins in Section 16, Township 35 South, Range 3 East in Garfield County.

Based on available information and a site inspection by this office conducted on May 17, 2007, we concur with the estimate of waters of the United States, as depicted on the **U.S. Army Corps of Engineers Wetland Delineation Report on proposed SR-12 Roadway Improvement Project Located between Escalante and Boulder, Garfield County, Utah** report prepared by Alpine Environmental Resources, LLC. Approximately 1.89 acres of jurisdictional waters of the United States are within the survey area, including 1.16 acres of wet meadow, 0.14 acre of vernal pool, 0.09 acre of perennial stream, and 0.50 acre of dry washes. These areas are regulated under Section 404 of the Clean Water Act.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date.

Please refer to identification number SPK-2007-00590-SG in any correspondence concerning this project. If you have any questions, please contact Kiel Downing at our Regulatory Office, 321 North Mall Drive, Suite L-101, St. George, Utah 84790-7310, email kiel.g.downing@usace.army.mil, or telephone 435-986-1961. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

Steven Roberts
Chief, St. George Regulatory Office

Enclosure(s)

Copy furnished without enclosure(s):

UDOT Region Four, 1345 South 350 West, Richfield, UT 84701
Alpine Environmental Resources, LLC, 2476 East Meadow Mist Way, St. George, UT 84790

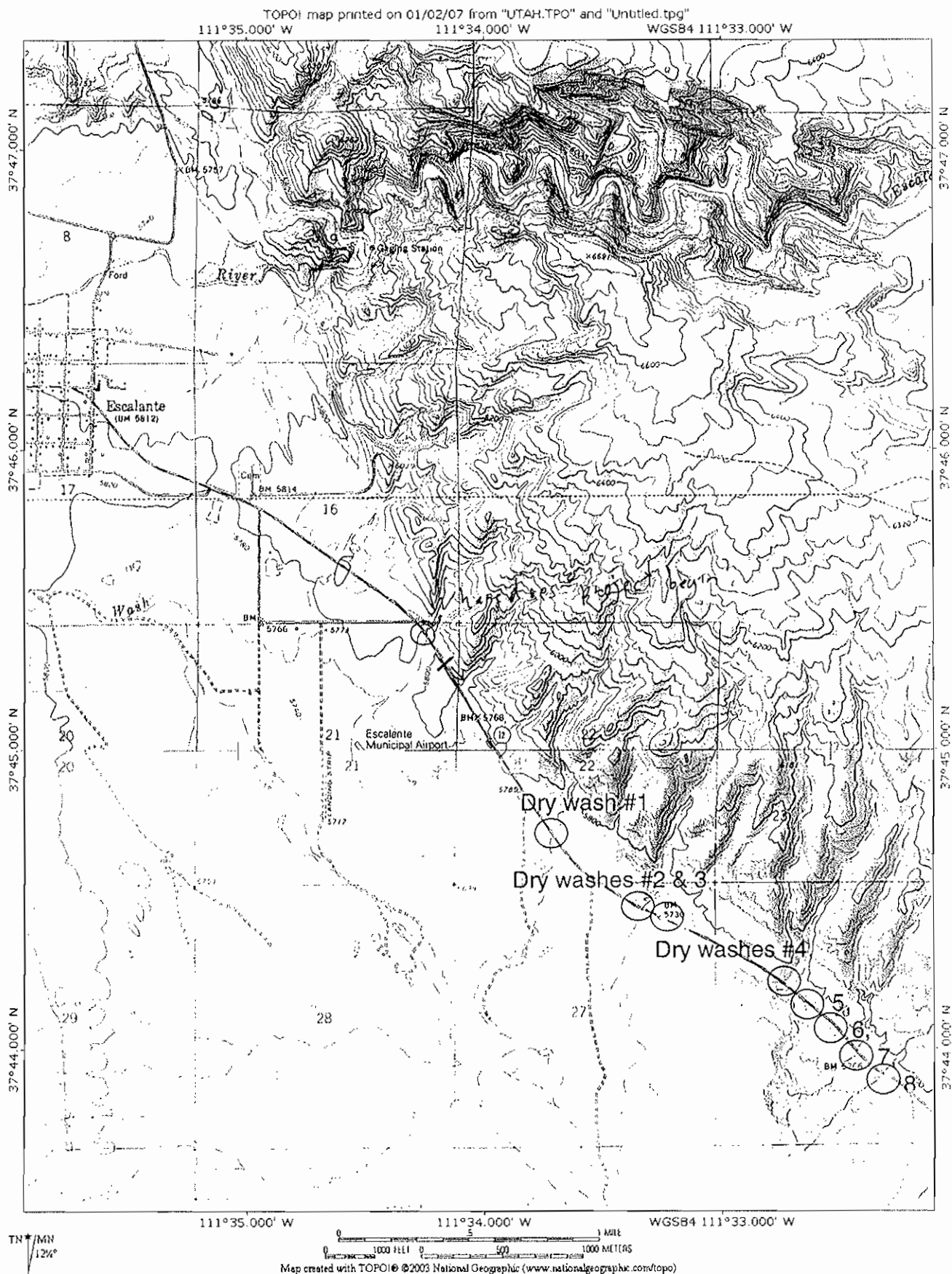


Figure 2: USGS, Escalante 7.5' topographical map. Sections 16, 21, 22, 27, 26 T35S, R3E, SLBM.
Alpine Environmental Resources, LLC

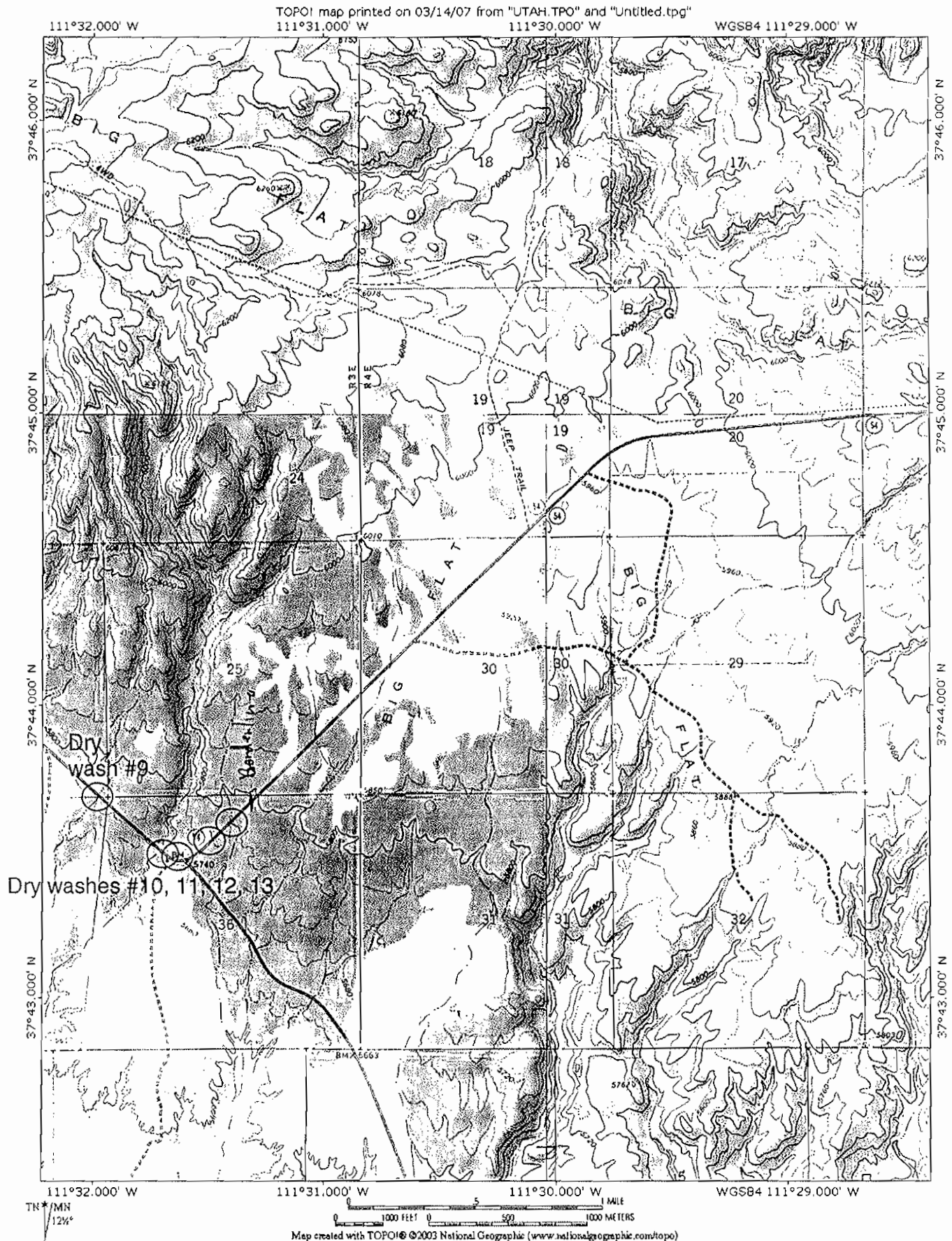


Figure 3: USGS, Hole in the Rock Road 7.5' topographical map. Sections 26, 36, 25, T35S, R3E, Sections 30, 19, 20 T35S, R4E, SLBM.

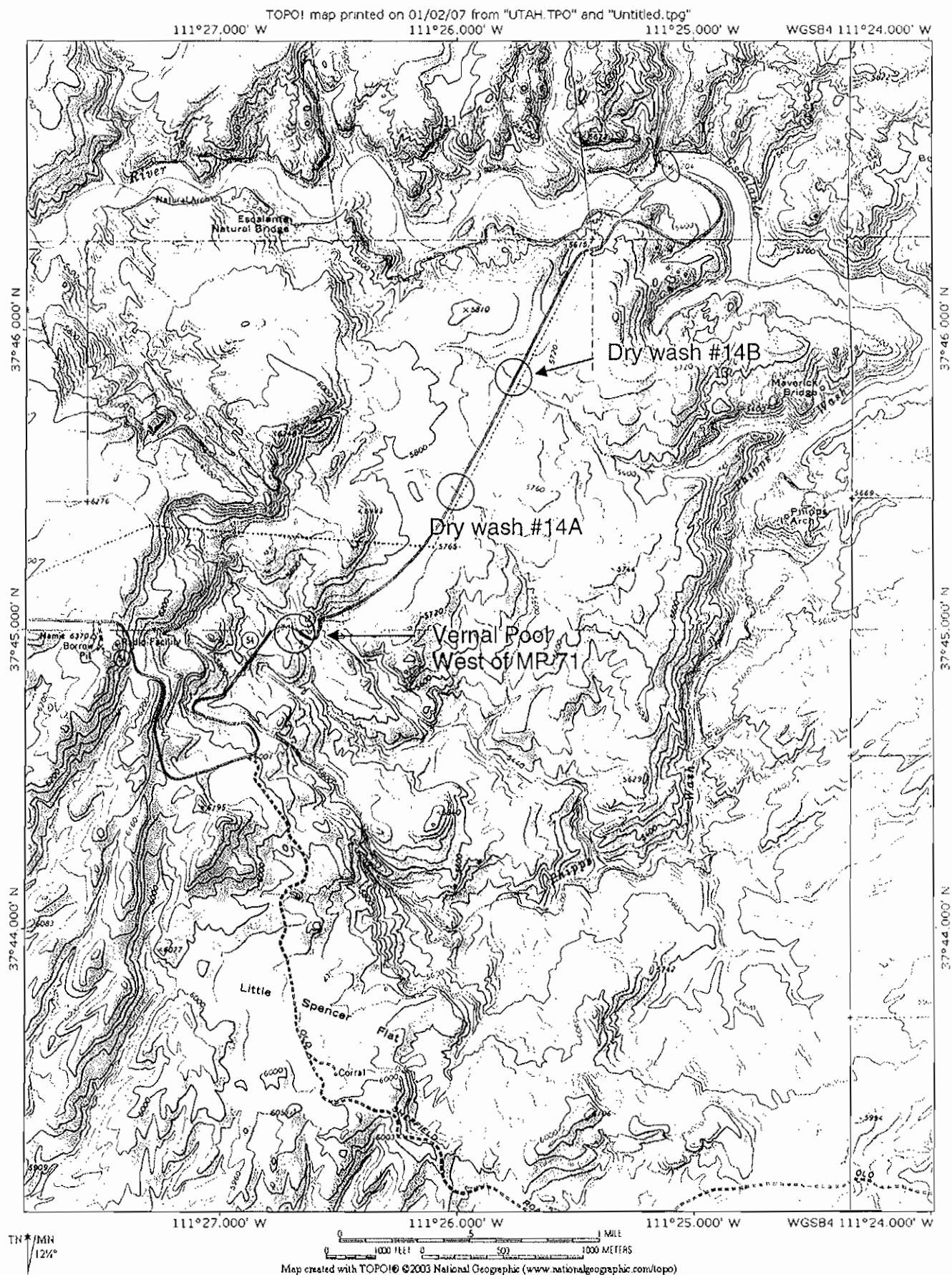


Figure 4: USGS Spencer Flat 7.5' topographical map. Sections 22, 23, 14, 13, 12, T35S, R4E, SLBM.

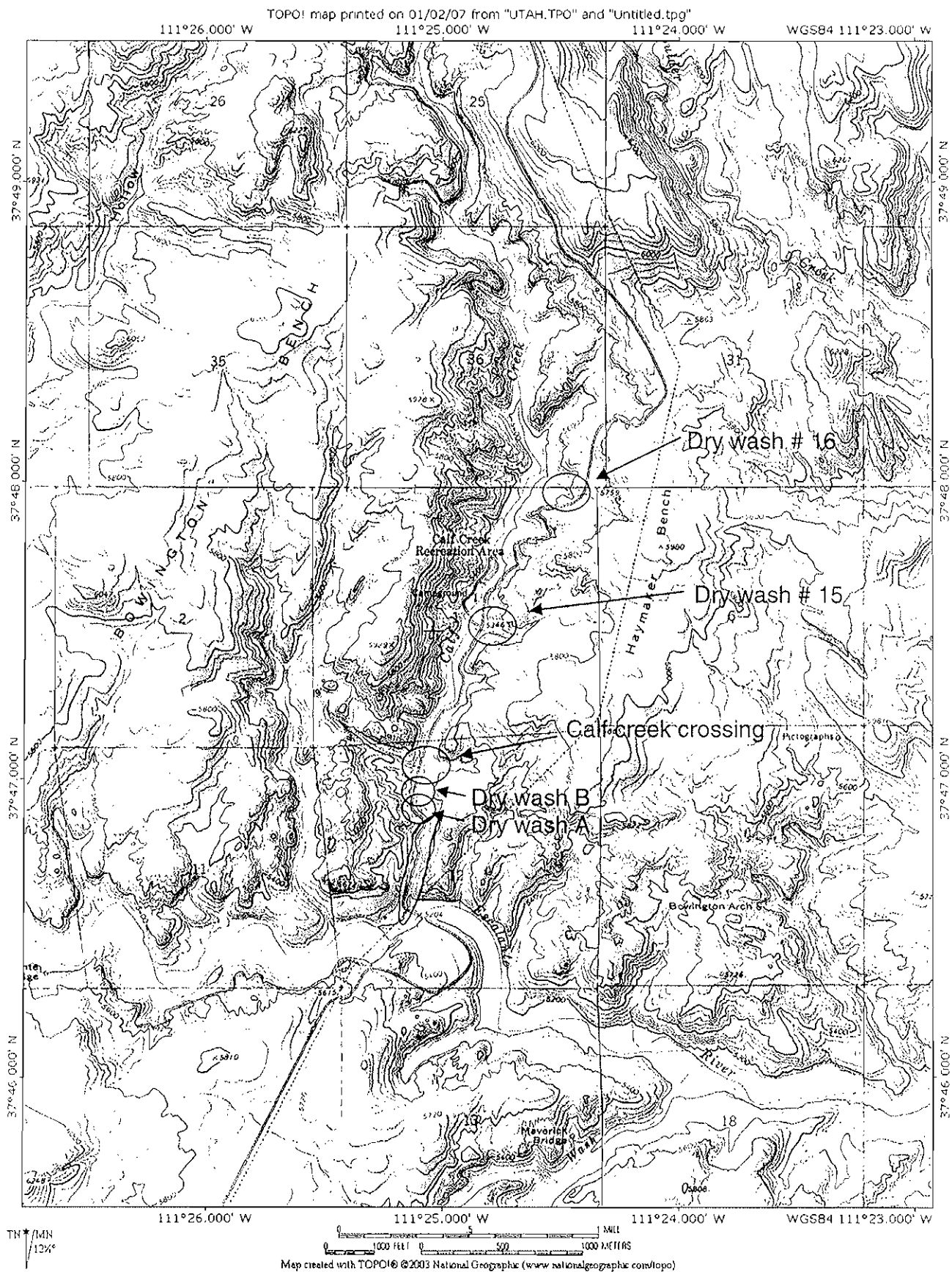


Figure 5: USGS Calf Creek 7.5' topographical map. Sections 14, 13, 12, 1, T35S, R4E, Sections 36, 25, T34S, R4E, Section 6 T35S, R3E, SLBM.

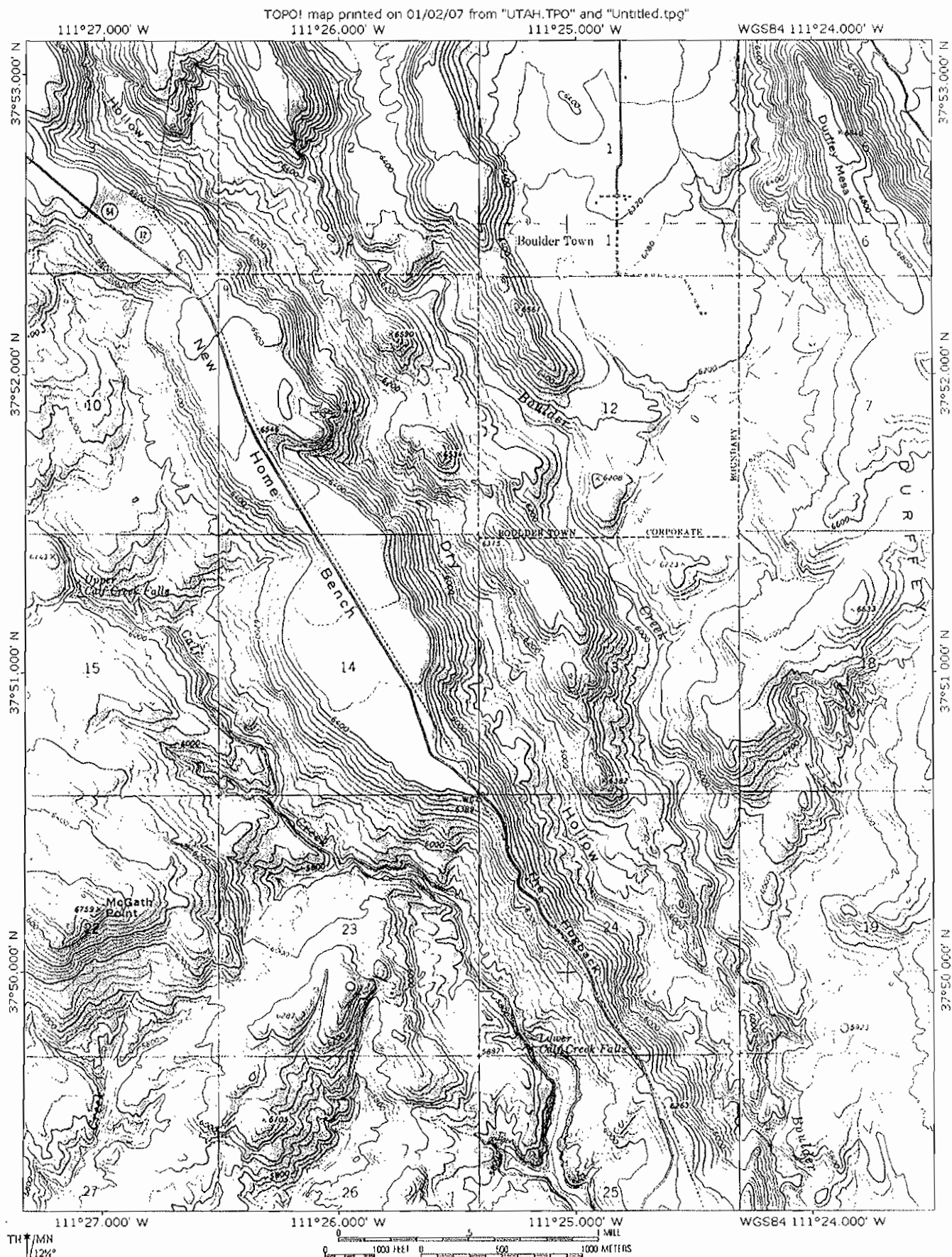


Figure 6: USGS New Home Bench 7.5 topographical map. Sections 25, 24, 14, 11, 10, 3, T34S, R4E, SLBM.

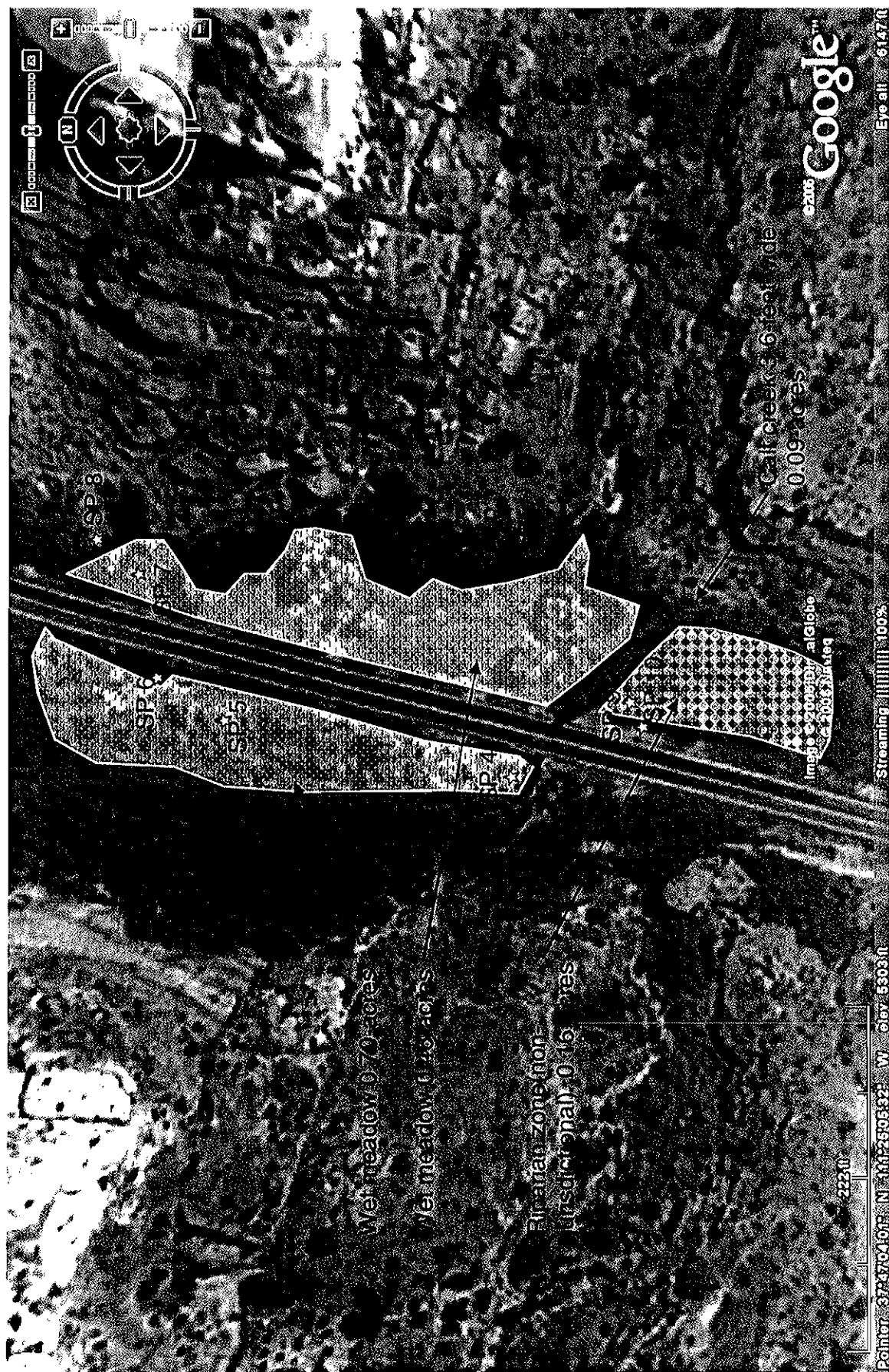


Figure 9: Aerial photograph of Calf Creek road crossing. Sections 12, T35S, R4E, SLBM.

Dickerson, Trisina

From: Paul_Chapman@blm.gov
Sent: Tuesday, January 08, 2008 12:08 PM
To: Clayton, Andrea
Subject: Fw: SR-12 Escalante to Boulder: record on file for interpretation of WSA boundary MP 72 to MP 73

Attachments: 2007-11-26 SR 12 question.pdf; BLM_WSA_Boundary_Maps_with_Improvements.pdf



2007-11-26 SR 12 BLM_WSA_Boundar
question.pdf ... y_Maps_with_Imp...

Andrea:

I think this memo from Edd Franz clarifies the situation regarding the WSA boundary discrepancy (powerline vs. highway) in the area south of the Boynton Overlook. To summarize I think the Monument will support the position that the powerline was intended to be the WSA boundary here rather than the highway for the reasons Edd explains below. The area is depicted on the map Edd attached to his e-mail.

Hope this helps.

----- Forwarded by Paul Chapman/CCDO/UT/BLM/DOI on 01/08/2008 11:49 AM

Edd
Franz/MOFO/CO/BLM
/DOI

12/10/2007 09:30
AM

To
Paul_Chapman/CCDO/UT/BLM/DOI@BLM
cc
Raymond_Lee/CCDO/UT/BLM/DOI@BLM
Subject
Re: Fw: SR-12 Escalante to Boulder:
record on file for interpretation
of WSA boundary MP 72 to MP 73
(Document link: Paul Chapman)

Paul,

Dave Mermejo contacted me about this around Nov 25 or 26, 2007, so there would not be a record over there. I was involved with this at GSENM, and I went on the tour with Lochner, so I still feel comfortable addressing the question.

The best I can figure, by looking at the maps and the relationship of the WSA boundary and the location of the smaller (distribution?) powerline is that between Head of the Rocks and Boynton Overlook (locally known as the "camelback") the boundary was intended to follow the powerline, rather than the mapped boundary. I believe that this is a mapping error. When I look at the southern part of the "sliver in question" I can see that the angle that the mapped boundary takes as it departs from the highway is parallel with the powerline, but offset somewhat. Other than

the powerline, there is no other feature in that area to use as a boundary. This further leads me to think that the powerline was the intended boundary.

It does get a bit fuzzy as you continue along that same mapped boundary toward the south and west. At some point, it departs from the powerline and begins to contour the rim of the Escalante Gorge. So, I'm unsure how to interpret that. That part, however, does not come into play with the SR-12 project.

Regarding the other sliver referenced in the attached maps -- the sliver next to the highway just south of Calf Creek Campground -- I don't see any evidence that the boundary was intended to follow the powerline there. It may very well have been an oversight, but there's nothing that leads me to think it was a mapping error.

Here's a crude map that I sent to Dave Mermejo last month: (See attached file: 2007-11-26 SR 12 question.pdf)

Feel free to follow up with me if you need to. Hope all's well with you, and blow a kiss to that beautiful monument for me.

Edd Franz
Outdoor Recreation Planner
Gunnison Gorge National Conservation Area Uncompahgre Field Office Montrose, Colorado
(970) 240-5337

There is a time for all things. Think a moment how many multitudes of animal tribes we ourselves have destroyed; look upon the snow that appears today-- tomorrow it is water. Listen to the dirge of the dry leaves that were green and vigorous but a few moons before! We are part of that life and it seems our time has come.

-- Spotted Tail, Lakota

Paul
Chapman/CCDO/UT/B
LM/DOI

12/10/2007 08:37
AM

Edd Franz/MOFO/CO/BLM/DOI@BLM

To

cc

Subject

Fw: SR-12 Escalante to Boulder:
record on file for interpretation
of WSA boundary MP 72 to MP 73

This e-mail indicates you know of a record regarding the power line mentioned. Do you know where this record would be. Sue and I looked in the file here and Bodie looked in Escalante and we can't come up with it.
Any suggestions?

----- Forwarded by Paul Chapman/CCDO/UT/BLM/DOI on 12/10/2007 08:34 AM

"Clayton, Andrea"
<aclayton@hwlochn
er.com>

To

"Paul Chapman"

12/06/2007 01:04
PM

<Paul_Chapman@BLM.gov>

cc

"Dave Mermejo"
<dave_mermejo@blm.gov>, "Robirds,
Tyler" <trobirds@hwlochner.com>,
"Jones, Laynee"
<ljjones@hwlochner.com>

Subject

SR-12 Escalante to Boulder: record
on file for interpretation of WSA
boundary MP 72 to MP 73

Paul,

I just spoke with Dave Mermejo regarding the interpretation of the WSA boundary on the west side of SR-12 between MP 72 and MP 73 (south of Boynton Overlook). This is the area shown on p. 3 of the attached maps.

Dave spoke with Edd Franz. Both agree the intent was to place the WSA boundary on the west side of the western power line. The boundary should have been drawn that way on the WSA maps (not adjacent to SR-12). This western power line should define the WSA boundary (not SR-12 edge of disturbance) until north of the Escalante River crossing. Dave said there should be a record on file at the Monument from Edd regarding this.

Can you verify there is a record on file at the Monument? We will state in the EA that we have coordinated this boundary with BLM/Monument and the WSA boundary should be on the west side of the western power line (so the slow vehicle turnout at MP 72.5 is not inside a WSA).

Also, Dave said he was going to get in touch with the woman (retired BLM) who worked on the WSA boundaries regarding the small power line that terminates at the Calf Creek Recreation Area. Dave will attempt to determine if the intent was to include this power line within the WSA or if the WSA boundary should be on the west side of this power line where it is west of SR-12 (approximately MP 74.5 to MP 75). This area is shown on p. 4 of the attached maps. Is there anything on file with the Monument at this location?

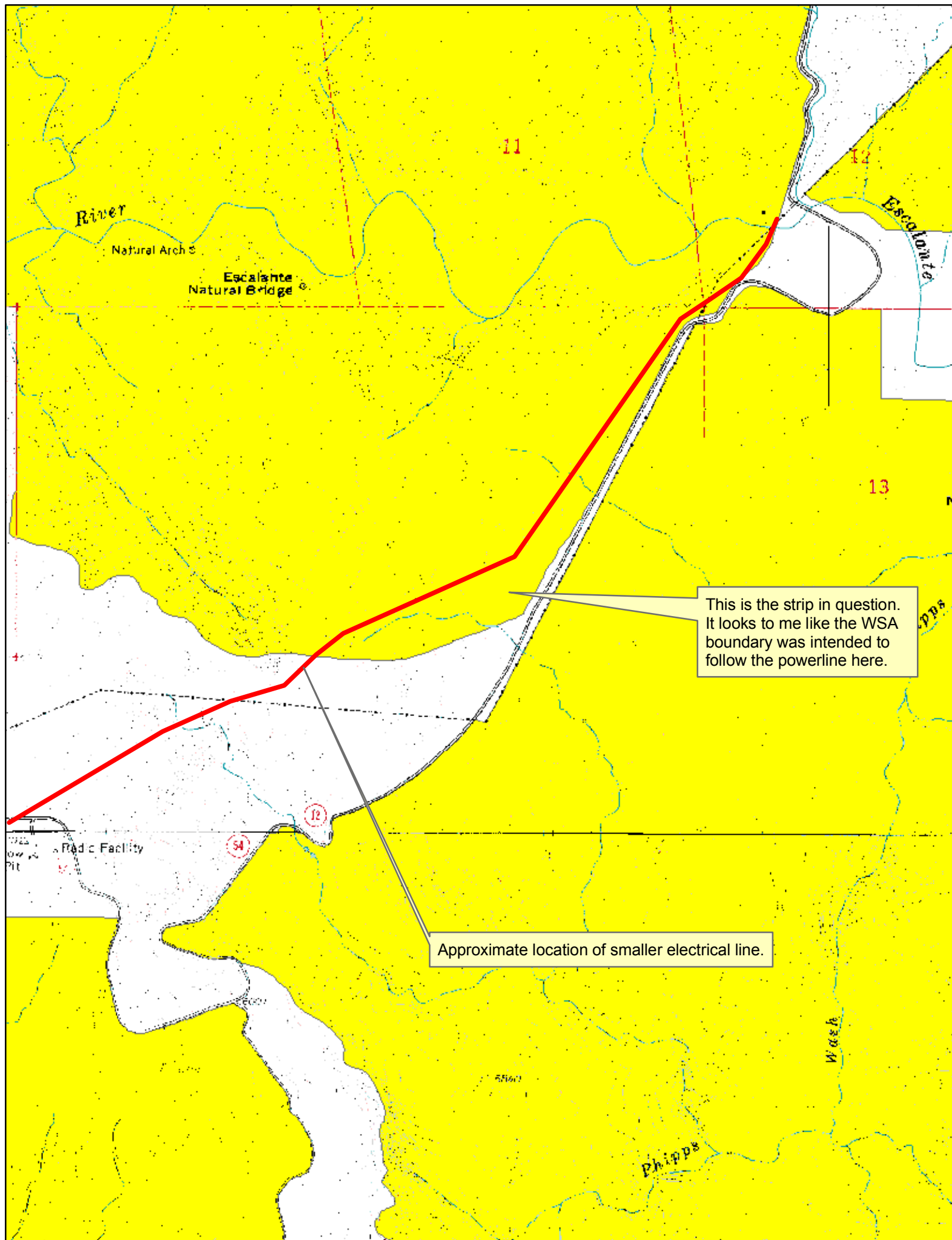
Thanks for your help,

Andrea

Andrea Clayton, P.E.
LOCHNER
310 East 4500 South, Suite 600
Salt Lake City, UT 84107
p: (801) 262-8700
f: (801) 262-8885
AClayton@HWLochner.com

www.HWLochner.com

(See attached file: BLM_WSA_Boundary_Maps_with_Improvements.pdf)





United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
8500
(UT-934)

AUG 23 2005

Ms. Kim Clark
H.W. LOCHNER, INC.
310 East 4500 South, Suite 600
Salt Lake City, Utah 84107

RE: BLM / UDOT State Road 12 Meeting, Grand Staircase Escalante N.M.

Dear Ms. Clark:

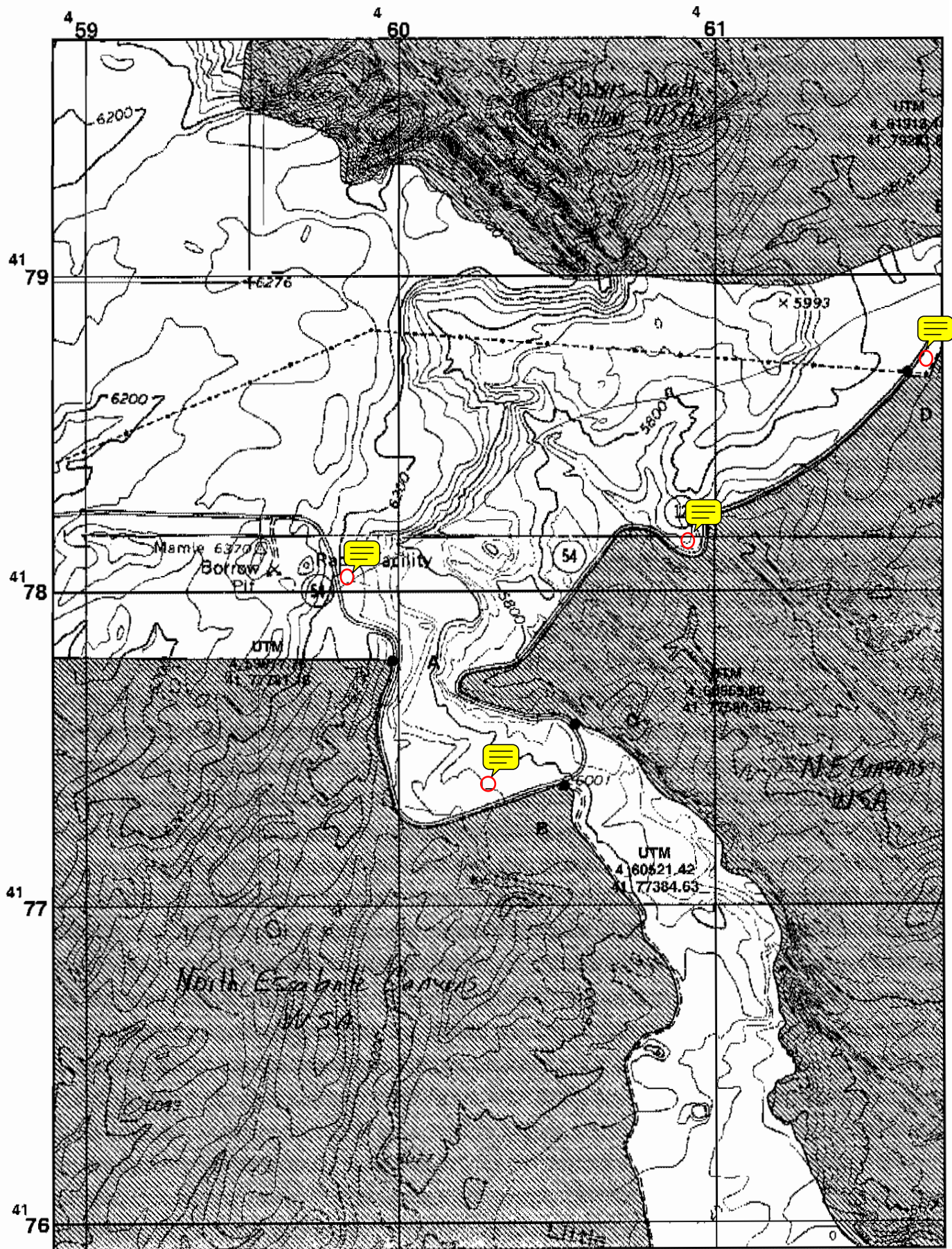
Enclosed are copies of Wilderness Study Area (WSA) boundary maps that were part of the data brought to the BLM / UDOT State Road 12 road widening proposal meeting held at the GSENM offices in Escalante, Utah on July 26, 2005, by Dave Mermejo of my staff. These maps are provided to you, as requested at the meeting. The points identified on the maps as A. B. C. etc. are screen digitized locations of points where the WSA boundary is immediately adjacent to state road 12. The UTM numbers listed for each point is approximate.

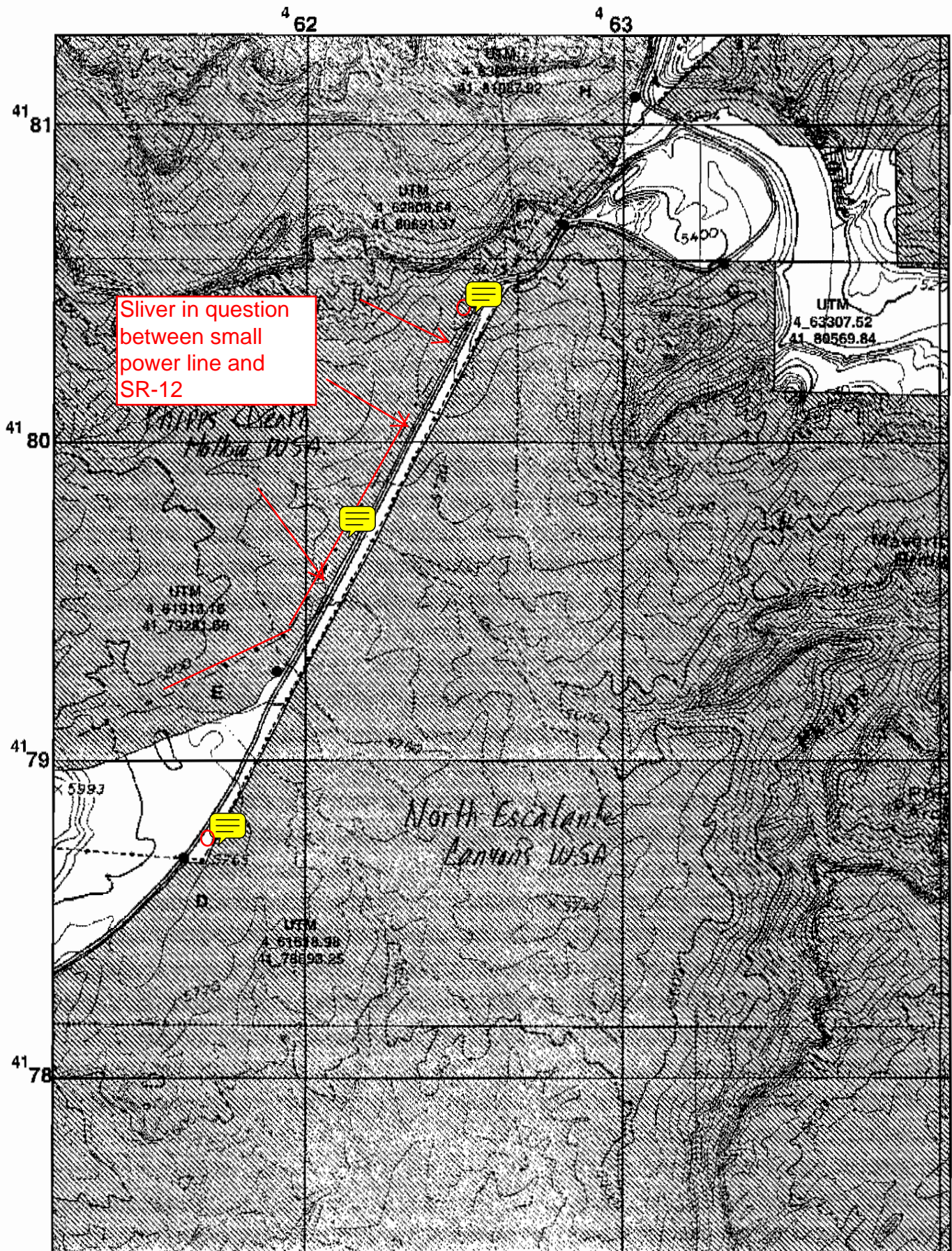
If you have any further questions please contact Dave Mermejo at (801) 539-4054.

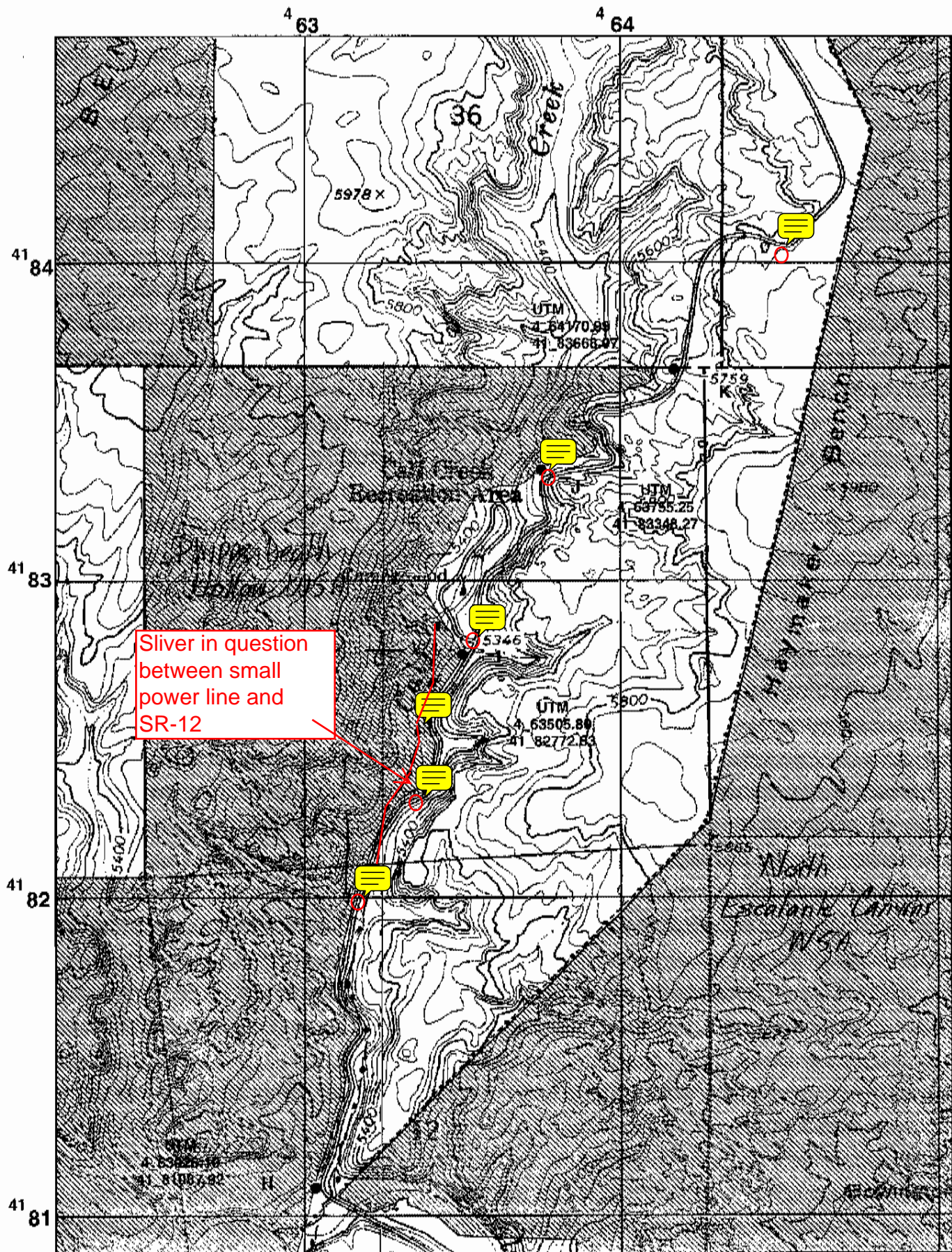
Sincerely,

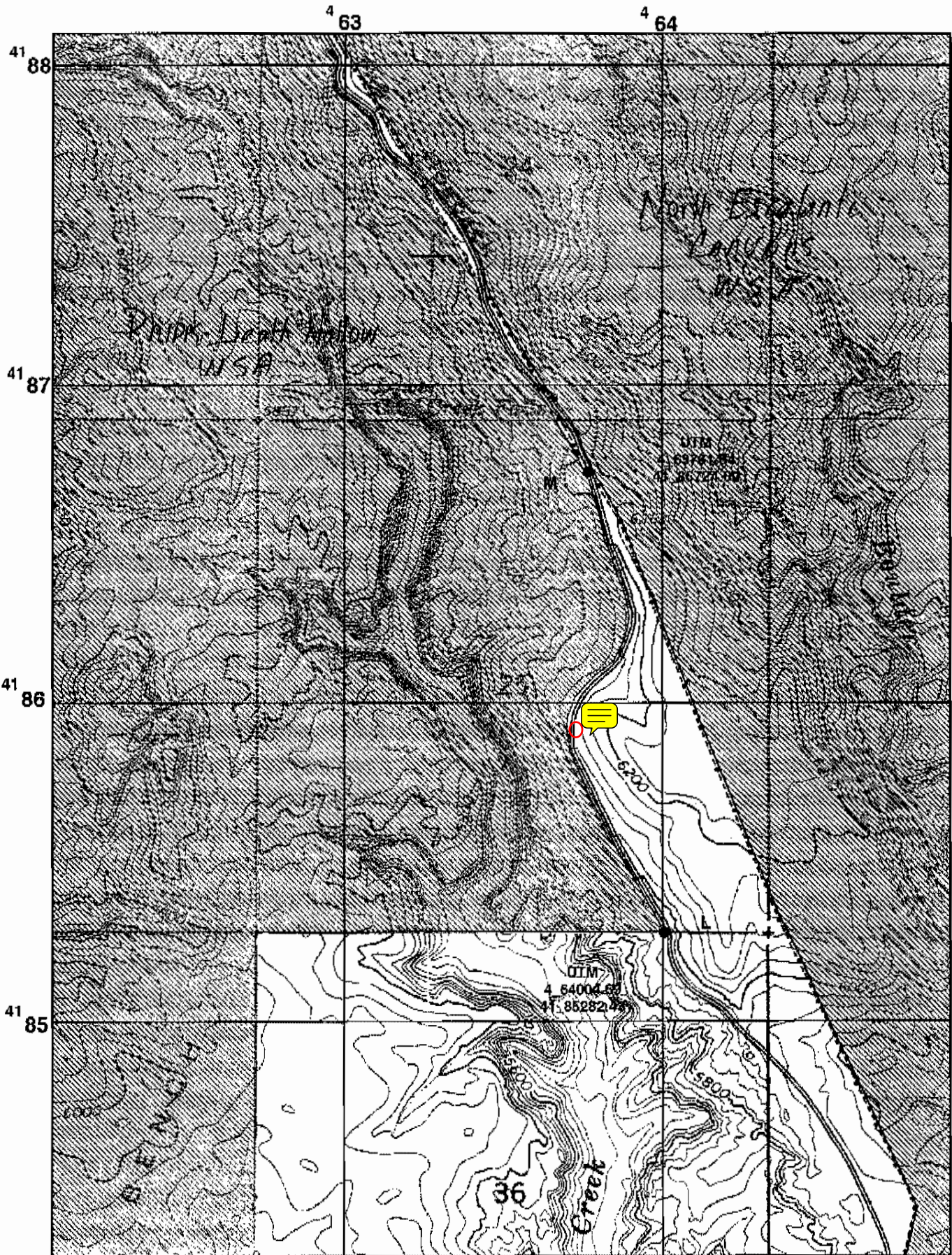
Shelley J. Smith
Branch Chief, Recreation, Wilderness,
Cultural and Fossil Resources

Enclosures
As Stated Above



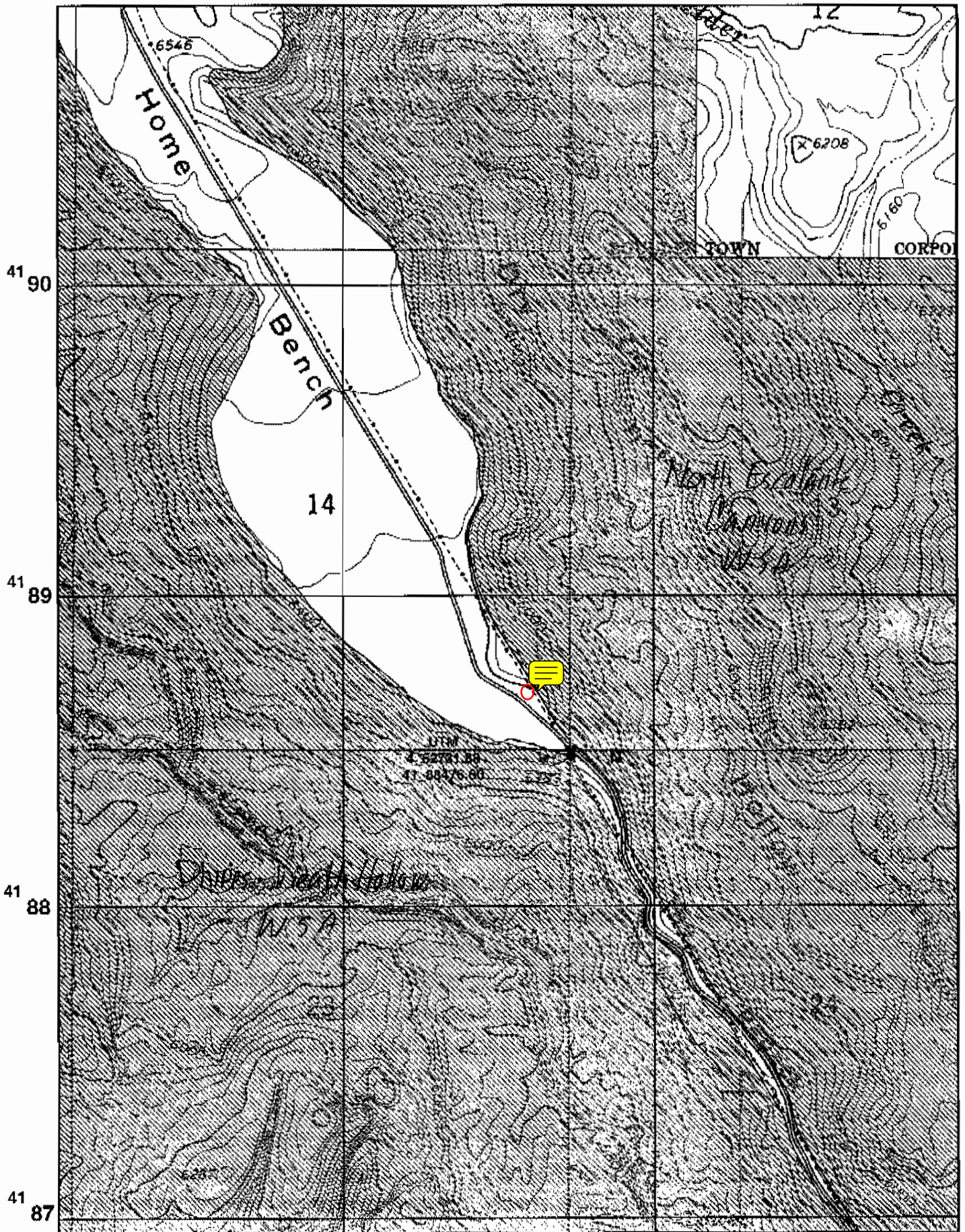


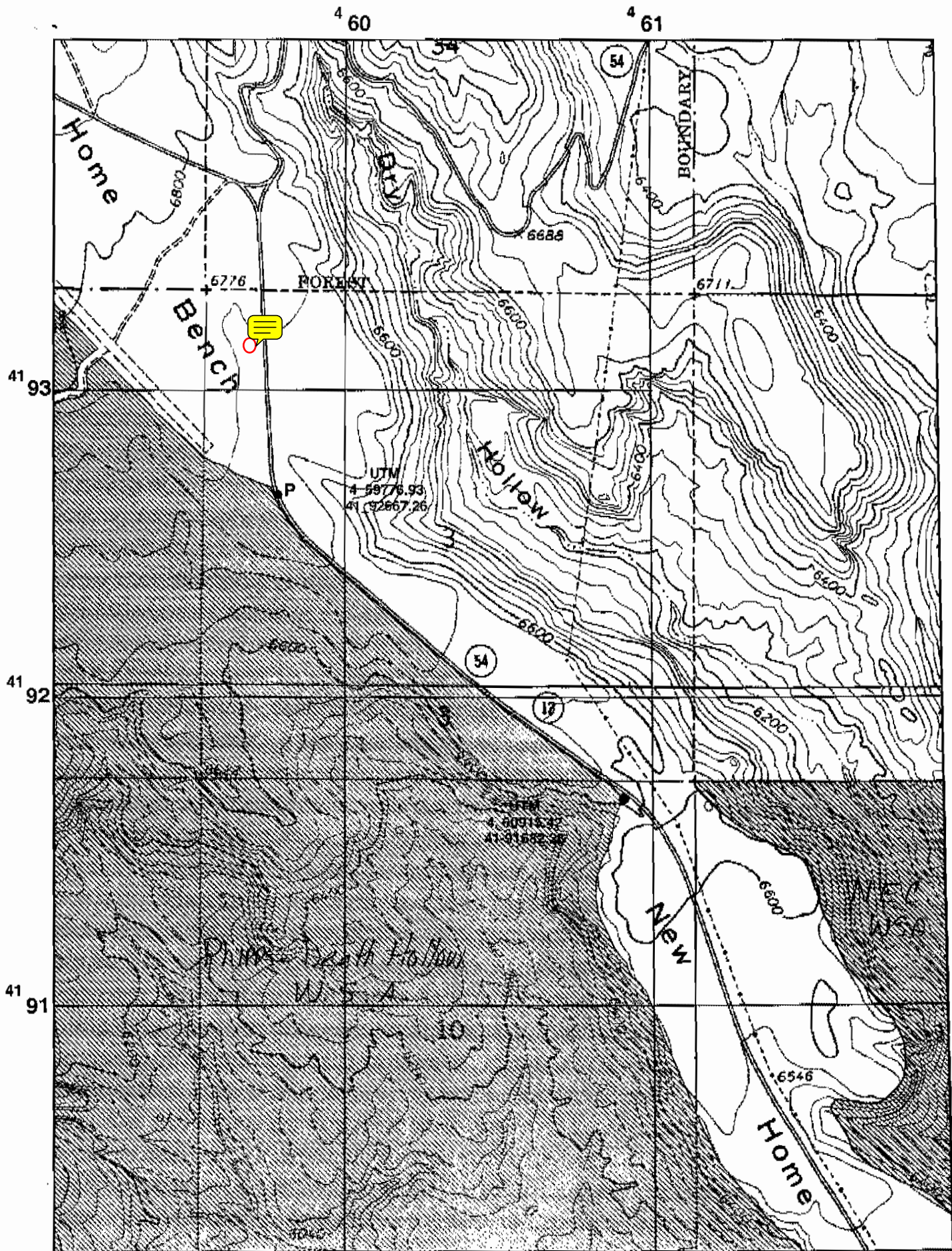




4 62

4 63





United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Grand Staircase-Escalante National Monument

Escalante Field Station

P O Box 225

Escalante, UT 84726

<http://www.ut.blm.gov/monument>



RECEIVED

MAR 03 2008

GRAND STAIRCASE ESCALANTE
NATIONAL MONUMENT

In Reply Refer To:
6840 (UT-030)

January 25, 2008

Larry Crist, Field Supervisor
U.S. Fish and Wildlife Service
Utah Field Office
2369 West Orton Circle
West Valley City, UT 84119



Dear Mr. Crist:

Enclosed is the Biological Assessment for the SR-12, Escalante to Boulder highway improvements project. Based on the biological analysis, the professional determination is the project may affect, but not likely to adversely affect, the Mexican spotted owl or its habitat. The project will have no affect on southwestern willow flycatcher, yellow-billed cuckoo, California condor, Utah prairie dog, brown bear, humpback chub, bonytail, Colorado pikeminnow, razorback sucker, Maguire daisy, Ute ladies' tresses, Jone's cycladenia, and autumn buttercup and/or their habitat.

Please review the enclosed Biological Assessment and notify us at the above address as to whether or not you concur with these findings.

Sincerely,

Raymond C (Rusty) Lee
Assistant Monument Manager
Escalante Field Station

Enclosure

<input type="checkbox"/>	Concur No Effect
<input checked="" type="checkbox"/>	Concur Not Likely to Adversely Affect
<input type="checkbox"/>	No Comment
U.S.F.W.S. - Utah Field Supervisor	
Date <u>2-27-08</u>	

Clayton, Andrea

From: Clayton, Andrea
Sent: Monday, March 17, 2008 4:58 PM
To: Carlos Machado
Cc: Betsy Skinner; Randall Taylor; Brenda Redwing; Jones, Laynee
Subject: SR-12 Escalante to Boulder EA: Section 4(f) de minimis finding
Attachments: FHWA_DeMinimis_Finding.pdf

Carlos,

This email is to document a change to the proposed action for the SR-12 Escalante to Boulder Environmental Assessment in relation to the Section 4(f) *de minimis* impact finding. UDOT recommended that a Section 4(f) *de minimis* finding be approved by FHWA for the Grand Staircase-Escalante National Monument in a letter from Randall Taylor to Walter Waidelich dated November 20, 2007 (attached). FHWA concurred with the *de minimis* finding on November 29, 2007.

Subsequent to FHWA concurrence, the following items have been removed from the proposed action:

1. Title 23 right-of-way federal land transfer for three stockpile sites at MP 69.0, MP 79.8, and MP 82.9
2. Construction of westbound slow vehicle turnout at MP 69.0

It is our understanding that the *de minimis* finding still applies for this project because the impact to the Grand Staircase-Escalante National Monument will be less than what is documented in the attached concurrence letter. Therefore, we will not be sending out a revised *de minimis* concurrence letter. Please do not hesitate to contact me if you have any questions or comments.

Thank you,

Andrea Clayton, P.E.

LOCHNER

310 East 4500 South, Suite 600

Salt Lake City, UT 84107

p: (801) 262-8700

f: (801) 262-8885

AClayton@HWLochner.com

www.HWLochner.com



Preserving America's Heritage

April 30, 2008

Ms. Betsy Skinner
Environmental Manager
Department of Transportation
Calvin L. Rampton Complex
4501 South 2700 West
Salt Lake City, Utah 84119-5998

Ref: *Proposed SR 12 Transportation Project (Escalante to Boulder)*
Garfield County, Utah

Dear Ms. Skinner:

On April 10, 2008 the Advisory Council on Historic Preservation (ACHP) received your notification regarding the adverse effects of the referenced undertaking. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the Utah State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the Utah SHPO, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Katry Harris at 202-606-8520 or kharris@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Federal Permitting, Licensing and Assistance Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov



**U.S. Department
Of Transportation
Federal Highway
Administration**

Utah Division

2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

July 24, 2008

File: STP-0012(8)60E

Ms. Selma Sierra
State Director
Bureau of Land Management
PO Box 45155
Salt Lake City, UT 84145-0155

SUBJECT: SR-12 Escalante to Boulder, Environmental Assessment
Project #: STP-0012(8)60E
Request for response to right-of-way approach with WSAs

Dear Ms. Sierra:

The Federal Highway Administration (FHWA), the Utah Department of Transportation (UDOT) and the Bureau of Land Management (BLM) have been cooperating on the Environmental Assessment (EA) for SR-12 from Escalante to Boulder since the fall of 2004. Under the direction of the U.S. Congress to streamline NEPA, FHWA strives to complete EAs within 18 months. With the process approaching four years on the subject project, we are eager to bring this project to completion.

The EA is complete and ready to publish—with one impediment. FHWA and UDOT are waiting for a response from BLM on how to approach the right-of-way (ROW) transfer in areas where wilderness study areas (WSAs) are adjacent to the road. On June 12, several possible approaches were discussed at a meeting attended by representatives from FHWA, UDOT, and BLM. It was determined at that meeting that the most desirable approach would be for BLM to consent to the entire requested highway appropriation. In order to do so, BLM would be required to interpret that the intent of the WSA boundaries was to set them at the ROW line as shown on 1983 drawings UDOT submitted to BLM. The recently completed ROW drawings prepared by UDOT would be considered a refinement of the 1983 drawings—a more accurate representation of what is on the ground due to advances in technology. This approach would clarify the “edge of disturbance” definition for ROW and WSAs that has created difficulties for all agencies involved.

We request a face-to-face meeting to discuss your response as soon as possible. The following are some possible dates and times that work for us: Aug. 5th, from 1:00 pm to 4:00 pm or Aug 6th from 1:00 pm to 4:00 pm. Our goal is to have the document submitted for public review by Friday, August 8, 2008, with BLM’s approval.

**MOVING THE
AMERICAN
ECONOMY**



You may contact me directly at bryan.cawley@dot.gov or 801-963-0078 #241 to confirm the date, time, and location of the meeting.

Thank you for your attention to this project and we look forward to meeting you in person.

Respectfully,



Digitally signed by Bryan Cawley
DN: cn=Bryan Cawley, o=FHWA,
ou=Utah Division, email=bryan.
cawley@dot.gov, c=US
Date: 2008.07.24 16:35:56 -06'00'

Bryan Cawley, PE
Assistant Division Administrator

cc: Monte Aldridge, UDOT Region 4, Project Manager
Betsy Skinner, UDOT Central Environmental
Mike DeKeyrel, BLM Salt Lake
Rusty Lee, BLM Escalante

**MOVING THE
AMERICAN
ECONOMY**



**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION, UTAH DIVISION,
THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT AND
THE UTAH STATE HISTORIC PRESERVATION OFFICER**

Invited Signatories Include

THE UTAH DEPARTMENT OF TRANSPORTATION

Concurring Parties Include

THE PAIUTE INDIAN TRIBE OF UTAH

REGARDING THE SR-12; ESCALANTE TO BOULDER PROJECT No. STP-0012(8)60E

WHEREAS, the Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration, Utah Division (FHWA) is proposing to utilize federal funds to make improvements at several locations along SR-12 between Escalante and Boulder, Garfield County, Utah. The project includes the following:

1. Right-of-way federal lands transfer (MP 68.9 to 83.1)
2. Calf Creek Bridge Replacement (MP 74.5)
3. Roadway and/or roadside stabilization at three locations (MP 74.8, 75.4, and 77.5 to 77.7)
4. Slow vehicle turnout construction at seven locations (eastbound at MP 71.7, 76.2, 79.5, and westbound at MP 69.0, 69.9, 72.5, and 83.0)
5. Intersection improvements at Hole-in-the-Rock Road (MP 64.4) and Calf Creek Recreation Area (MP 75.0), and
6. Curve widening at MP 71.0

WHEREAS, the FHWA, acting as lead agency for implementing Section 106 of the National Historic Preservation Act, has determined that construction of the STP-0012(8)60E, SR-12 Escalante to Boulder Project will adversely affect archaeological site 42GA5647, and has consulted with the Utah State Historic Preservation Officer (USHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR 800.5(a), regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C 470f); and

WHEREAS, the Grand Staircase-Escalante National Monument, managed by the Bureau of Land Management (BLM) is also proposing to construct the Hogsback Day Use Recreation Facility (Recreation Facility) adjacent to SR-12 at approximately MP 80 on New Home Bench south of the town of Boulder, Garfield County, Utah; and

WHEREAS, the BLM has determined that construction of the recreation facility will also adversely effect archaeological site 42GA5647; and

WHEREAS, pursuant to 36 CFR 800.6(b)(1)(iv), the signatories have developed this Memorandum of Agreement (Agreement) in order to establish an efficient and effective means of resolving adverse effects that will be caused by both projects; and

WHEREAS, the Utah Department of Transportation (UDOT) is cooperating with the FHWA in

implementation of the undertaking and has been invited to participate in this Agreement as an invited signatory; and

WHEREAS, FHWA has consulted with the Paiute Indian Tribe of Utah (PITU) for which 42GA5647 has religious and/or cultural significance, and has invited the PITU to sign this Agreement as a concurring party; and

WHEREAS, FHWA has consulted with the Hopi Tribe, the Kanosh Band of Paiute Indians, the Shivwits Band of Paiute Indians, and the Kaibab Band of Paiute Indians, for which 42GA5647 has religious and/or cultural significance, and has invited the Tribes to sign this Agreement as concurring parties and none have chosen to participate; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FHWA and the USHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. Mitigation for potential adverse effects to archaeological site 42GA5647 will include one or more of the following measures, to be jointly implemented by the FHWA and BLM:

- a) Development of an interpretive exhibit at the day use recreation facility that presents elements of human prehistory germane to the area.
- b) Construction of an elevated boardwalk trail to minimize damage to the site from pedestrian traffic.
- c) Excavation of part or all of the site

The determination of which measure will be implemented and how it will be implemented will be made before construction begins of either the SR-12 Improvement Project (UDOT) or the Hogsback Day Use Recreation Facility. Consultation will be conducted for the selected measure, including consultation with the consulting parties to this Agreement and the public.

II. **REPORTING:** The FHWA shall ensure that any/all reports on activities carried out pursuant to this agreement are provided to the USHPO and the signatories to this MOA, and upon request, to any other interested parties.

III. **NAGPRA:** In the event that human remains are encountered within the project's area of potential effects, the FHWA will comply with the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 U.S.C. 3001 *et seq*), as amended.

IV. **DISCOVERIES:** In accordance with 36 CFR 800.11(a) and (b) (1), the FHWA and the UDOT is

providing for the protection, evaluation, and treatment of any historic property discovered before or during construction. The UDOT CSI 01355 - Environmental Protection Part 1.13, Discovery of Historic, Archaeological, and Paleontological Resources (Appendix A), applies to this project, stipulating instructions to the contractor for the protection of any discovery in the course of construction. Specifically, upon discovery, construction operations shall be immediately stopped in the vicinity and the Engineer shall be verbally notified of the nature and exact locations of the findings. The Contractor shall not damage the discovered objects and shall provide written confirmation of the discovery to the Engineer within two (2) calendar days. The Engineer will inform the Contractor when the restriction is terminated, with written confirmation following within two (2) calendar days.

Should a discovery occur, the FHWA/UDOT will consult with the USHPO, the concurring parties and other affected/ interested parties in accordance with 36 CFR 800.11(b)(2)(ii) toward developing and implementing an appropriate treatment plan before resuming construction.

V. PERSONNEL QUALIFICATIONS: The FHWA shall ensure that all work carried out pursuant to this agreement is completed by or under the direct supervision of a person or persons meeting or exceeding the *Secretary of the Interior's Historic Preservation Professional Qualification Standards for Archaeology* (36 CFR 61 Appendix A).

VI. DISPUTE RESOLUTION: Should the USHPO object within 30 days to any plans, findings, or data provided for review pursuant to this agreement, the FHWA shall consult with them to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

- a) provide the FHWA with recommendations, which the FHWA will take into account in reaching a final decision regarding the dispute; or
- b) notify the FHWA that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by FHWA in accordance with 36 CFR 800.6(c)(2) with reference to the subject of the dispute.

VII. AMENDMENTS: Any party to this Agreement may request that it be amended, whereupon the parties will consult in accordance with 36CFR800.6(c)(7) to consider such amendment. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION: Any party to this Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. If the Agreement is not amended, any signatory may terminate it. The FHWA will either execute a Memorandum of Agreement with signatories under 36 CFR800.6(c)(1) or request the comments of the Council under Section 800.7(a). The FHWA shall notify the signatories as to the course of action it will pursue.

IX. COPIES: The FHWA will provide each consulting party with a copy of any Memorandum of Agreement executed pursuant to stipulations VII and VIII.

X. REVIEW OF IMPLEMENTATION: If any of the stipulations above have not been implemented by December 31, 2009 the parties to this Agreement shall determine whether revisions are needed. If revisions are needed, the parties to this agreement will consult in accordance with 36 CFR 800 to make such revisions.

Execution of this Memorandum of Agreement by the FHWA, BLM and the USHPO, and implementation of its terms evidence that the FHWA has afforded the Council an opportunity to comment on the STP-0012(8)60E, SR-12 Escalante to Boulder Project and its effects on historic properties, and that the FHWA has taken into account the effects of the undertaking on historic properties.

APPENDIX A

**UDOT STANDARD SPECIFICATIONS
SECTION 01355; 1.13
DISCOVERY**

SECTION 01355

ENVIRONMENTAL PROTECTION

1.13 DISCOVERY OF HISTORICAL, ARCHAEOLOGICAL, OR PALEONTOLOGICAL OBJECTS, FEATURES, SITES, HUMAN REMAINS, OR MIGRATORY AVIAN SPECIES

- A. Immediately suspend construction operations in the vicinity (minimum 100-ft buffer around the perimeter) of the discovery if a suspected historic, archaeological, or paleontological item, feature, or site is encountered, or if suspected human remains are encountered.
- B. Verbally notify the Engineer of the nature and exact location of the findings.
- C. The Engineer contacts the UDOT Region staff archaeologist, who will assess the nature of the discovery and determine the necessary course of action.
- D. Notify the Engineer who in turn notifies the Region Environmental Manager and the UDOT Wildlife Biologist if bats or migratory birds are discovered on structures.
 - 1. Coordinate to determine the necessary course of action.
- E. Protect the discovered objects or features and provide written confirmation of the discovery to the Engineer within two calendar days.
- F. The Engineer keeps the Contractor informed concerning the status of the restriction.
 - 1. The time necessary for the Department to handle the discovered item, feature, or site is variable, dependent on the nature and condition of the discovered item.
 - 2. The Engineer will provide written confirmation when work may resume in the area.

SIGNATORY:

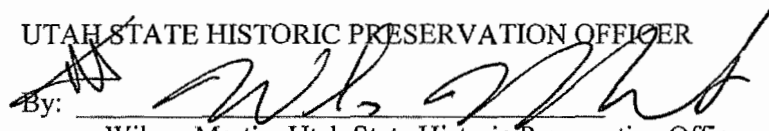
THE FEDERAL HIGHWAY ADMINISTRATION

for By: Edward T. Westford
Walter Waldelich, Division Administrator

Date: 10-29-08

SIGNATORY:

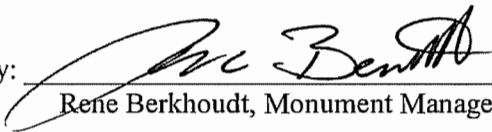
UTAH STATE HISTORIC PRESERVATION OFFICER

By: 
Wilson Martin, Utah State Historic Preservation Officer

Date: 10/15/2008

SIGNATORY:

THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

By: 
Rene Berkhoudt, Monument Manager

Date: 9/2/2008

INVITED SIGNATORY:

THE UTAH DEPARTMENT OF TRANSPORTATION

By: _____

Nathan Lee, Region 4 Director

Date: _____

7-03-08

CONCURRING PARTY:

THE PAIUTE INDIAN TRIBE OF UTAH

By: _____

Lora E. Tom, Chairwoman

Date: _____

8/5/08



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office

P.O. Box 45155

Salt Lake City, UT 84145-0155

<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:

2821

(UT921)

NOV 14 2008

Memorandum

Bryan Cawley, P. E.

U. S. Department of Transportation

Federal Highway Administration

2520 West 4700 South, Suite 9A

Salt Lake City, UT 84118-1847

Dear Mr. Cawley:

Thank you for meeting with my staff and me on September 2, 2008 to discuss the State Route 12 Escalante to Boulder project. We understand that your preferred action is to request the appropriation of a typical 200 foot wide right-of-way, consistent with and connecting to existing highway right-of-way appropriations. The identified right-of-way appropriation on this section of Utah State Route 12 in southern Utah would accommodate improvements analyzed in your environmental assessment (EA), as well as future Utah Department of Transportation (UDOT) project improvements to address highway safety requirements. I appreciated hearing your thoughts and concerns regarding the health and safety concerns along SR 12 as existing today and understanding your needs to minimize those concerns.

Since our meeting my staff has reviewed your draft environmental assessment (EA) and road improvement plans along the 14.2 mile section of road that crosses public lands administered by the Bureau of Land Management (BLM) on SR 12. My staff submitted comments this past spring and have no more comments to submit at this time.

I suggest you formally submit your request for appropriation of public lands for the right-of-way as outlined in the 1982 FHWA/BLM Interagency Agreement (IA). Please ensure that your request is accompanied by your EA, highway maps and all appropriate environmental surveys. That formal application should be submitted to the Grand Staircase-Escalante National Monument Manager, Rene Berkhoudt.

RECEIVED

NOV 18 2008

FHWA Utah Division

Upon our receipt of your formal request, field staff from the Monument and the Utah State Office will review your request. We expect to respond to your request for appropriation well within the four month period outlined in the IA. I suggest you ensure your request and EA specifically outline the necessity of ensuring the health and safety of the traveling public along the 14.2 mile stretch, along with specific designs for improvements for safety.

Please contact me at (801) 539- 4010 if you require further information or wish to discuss this matter further.

Sincerely,

/s/ Selma Sierra

Selma Sierra
State Director

cc: Carlos Machado
Program Manager
U. S. Department of Transportation
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118-1847

Andrea Clayton
H.W. Lochner, Inc.
310 East 4500 South, Suite 600
Salt Lake City, UT 84107

SR12FWA Response OCT 2008 MD-SA-10-29-08



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Grand Staircase-Escalante National Monument
Escalante Field Station
P O Box 225
Escalante, UT 84726
<http://www.ut.blm.gov/monument>




In Reply Refer To:
(Ut-030)

January 14, 2009

Memorandum

To Andrea Clayton , Design Engineer
H. W. Lockner, Inc.
310 E. 4500 S. Suite 600
Murray, Utah 84107

Mexican spotted owl surveys, per USFWS survey protocol, were completed for 2007 and 2008 along highway 12 between Escalante and Boulder. Proposed areas to be worked on were surveyed where there was potential habitat for Mexican spotted owls. No Mexican spotted owls were detected during the surveys.



Terry Tolbert , Wildlife Biologist GSENM